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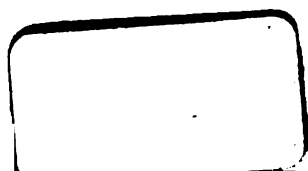
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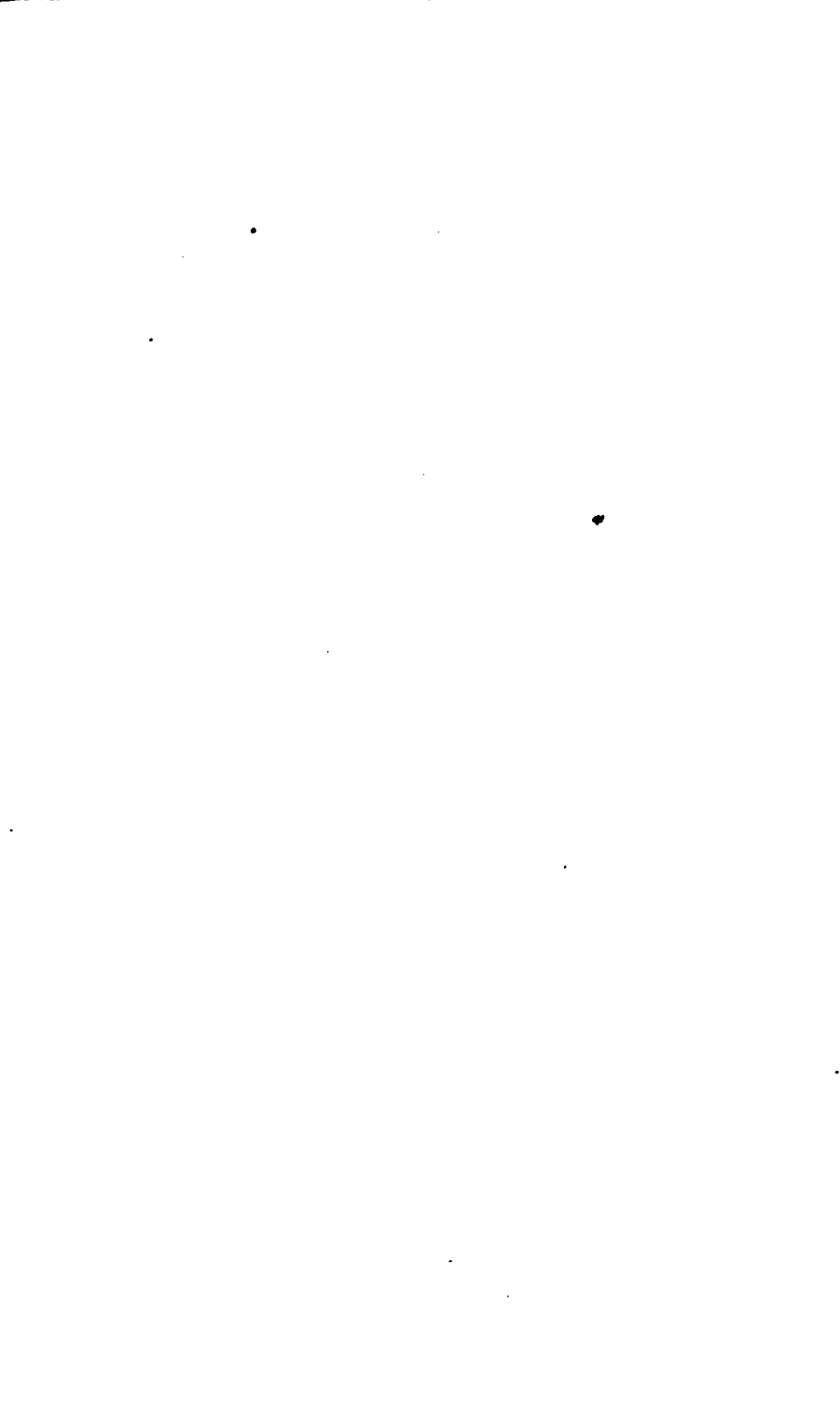
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POLITICAL TRANSACTIONS,

AND OF

P A R T I E S,

FROM

THE RESTORATION OF KING CHARLES  
THE SECOND,

TO

THE DEATH OF KING WILLIAM.

---

BY THOMAS SOMERVILLE, D. D.

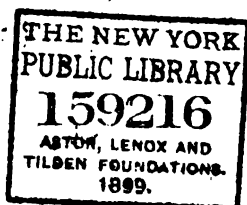
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## INTRODUCTION.

AS the Revolution of one thousand six hundred and eighty-eight forms an illustrious era in our history, so the study of it must be highly gratifying to the subjects of the British empire, and the friends of liberty in every country. To that event we are indebted, not only for the enlargement of our privileges, and additional securities for their continuance, but for those progressive improvements, which have exalted our nation to the highest pitch of prosperity and splendour.

In order to open the political history of England at the period of the Revolution with perspicuity and connexion, and to give a true account of subsequent transactions during the reign of king William, it becomes necessary to review the two preceding reigns, and to unfold the various causes, which united the exertions of rival parties, and wrought

wrought the deliverance of Britain. From an acquaintance with the previous history, we shall be better qualified to discern the moderation and wisdom of our ancestors who, by framing the new settlement in a strict conformity to the principles and spirit of the ancient constitution, and the temper and habits of the people, ensured at once its easy accomplishment and future stability.

Some of those illustrious persons, who, by their abilities and efforts, contributed most successfully to the establishment of our liberties at the Revolution, had also acted a distinguished part in the two preceding reigns, and their characters and motives cannot be fully understood, unless we ascend to the earlier stages of their lives.

The properties of different objects are more clearly perceived, and more forcibly contrasted, by being placed on contiguous grounds. The amendment of the political condition of England, by the event of the Revolution, will be impressed upon the mind with the strongest conviction and feeling, when we make the transition from the scenes of oppression and tyranny which agitated the nation during the reigns of Charles and James.

It may, perhaps, occur to some, that little instruction or entertainment can be expected from any new detail of transactions which have been so often, and so fully, illustrated by contemporary and later authors. From  
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the following considerations, however, I have been encouraged to prosecute this work with the prospect of its utility, and, with the hope, that it may not be destitute of some share of that novelty, which contributes to the success of historical compositions.

Though politics and parties enter into every history of our country already published, yet these subjects may be rendered more instructive and interesting, by being placed in a detached view. The coincident events, related in the following work, which cannot properly be classed under these heads, have been introduced principally for the purpose of explaining and illustrating political affairs.

The various subjects which furnish materials for the historian, such as religion, politics, war, and commerce, are distinguished by his attention, in proportion to their comparative importance, at the period that falls under his survey. As politics and parties form the most conspicuous features of the British history towards the close of the last century, so it must be readily admitted, that they were never, in any former time, more worthy of attention and study upon account of the substantial and permanent advantages of which they have been productive.

Without a clear and liberal comprehension of the state of the nation, and of the temper and conduct of parties, at the Revolution, we can neither understand the excel-

lence of our present constitution, nor be fully instructed in the extent of our privileges, and in the means of defending and improving them. But the same critical circumstances, which render the history of any particular period more interesting, often incumber it with ambiguity and difficulties, which can only be removed by the labour of later and accumulated researches. Amidst the violent struggles of factions, whose influence pervades the whole body of the people, it is in vain to expect a just appreciation of merit, or an impartial account of public measures. The animosities and prejudices, which were predominant at the Revolution, descended to succeeding generations; and the opinions which individuals maintained, with respect to characters and facts, in the preceding age, were long interpreted as an infallible criterion of their political principles and attachments, in their own. After the lapse of time has destroyed this false association of ideas, it is more safe and easy to adhere to a true representation of facts.

There are recent circumstances, which seem to furnish peculiar motives, for resuming the investigation and detail of the subjects treated of in this history.

By the diligence and opportunities of some late historians, a variety of original papers have been collected and published; which, if they do not throw a light, altogether new, upon transactions relative to the Revolution; yet,

yet, in many instances, they give authority to opinions formerly controverted, and correct and enlarge the information of the impartial and industrious inquirer. Great caution, however, is necessary, in admitting conclusions, drawn by authors from those facts, which they themselves have had the ingenuity or good fortune to discover. Like travellers, they are exceedingly prone to amplify and embellish the curiosities of those regions, which they have been the first to visit and explore. While the merit of historical writers is estimated in proportion to the importance of the facts which they bring to light, they lie under a strong temptation to over-rate them; and to strain and extend the application of them beyond the rules of accurate reasoning. The carelessness of the generality of readers renders them easy proselytes to those misrepresentations, which the vanity of authors has introduced into history. A fond appetite for novelty supplies the deficiency of evidence, and eagerly grasps at discoveries, which minister to its gratification.

There is a strong propensity in human nature to move from one extreme to another. If our ancestors, impressed with a deep sense of gratitude to individuals, who had been the instruments of delivering the nation from slavery, ascribed their conduct to the purest and most honourable motives, and gave them credit for virtues which they did

not possess; we, who have never been disturbed in the enjoyment of our liberties, may, perhaps, be in danger of listening rashly to insinuations against meritorious characters; and of withholding that fair tribute of respect, which is due to their memories. The effects of this error are not confined to any one period of history. The impeachment of names, which had obtained a prescriptive right to public veneration, has a tendency to engender suspicions, and to nourish, especially in the young mind, a habit of scepticism, which chills the ardour of patriotic resolutions. It is, therefore, of importance to the cause of truth and virtue, to restrain the spirit of loose and indiscriminate censure; to examine, with a patient mind, the weight of arguments; and to confine conclusions, with strict accuracy, to the premises from which they are drawn.

Under these impressions I have been, necessarily, led to combat the opinions of a late historian, Mr. Macpherson, with respect to many important transactions and characters, which occur in the course of this work. Many assertions of that author, highly derogatory to the honour of king William, our illustrious deliverer, appear to me, after the most impartial research, to be contradicted by evidence published in his own collection of State Papers. If I have succeeded in my humble attempts to vindicate calumniated merit, and to establish the cause  
of

of truth, I should flatter myself, that this work may not be considered as unseasonable or superfluous; and no apology will be necessary for presuming to recall the attention of the public to subjects, which have been already discussed by authors of the first ability and the highest reputation. But still I am, in justice, bound to acknowledge, that substantial advantages are derived from the information, communicated by the author whom I have mentioned. After the most scrupulous enquiry into the sources from which that information has been collected; after every abatement that candour and strictness of reasoning prescribe, we are left in the possession of many curious important facts. Enlightened by these, we are enabled to dispel the mists, which darkened our political horizon a century ago; and to present to the public a more copious and faithful narrative of many transactions, than contemporary authors could do, who were ignorant of the dark counsels and profligate intrigues which gave birth to them.

It is particularly incumbent upon every person, who wishes to form just conceptions of English politics, to study with attention the proceedings of parliament. Parliament is the theatre on which the strength of conflicting parties is brought forward into action; and on which the spirit and principles, which animate them, are submitted to the approbation or censure of the impar-

tial and discerning citizen. Parliamentary proceedings have, therefore, engaged a principal part of my attention and labour in the following work.

But it is not merely from the journals of the two houses, or the conclusions adopted by the majority in either of them, with respect to questions of greater moment, that we are able to distinguish the temper, the motives, or the abilities, of contending parties. The debates which lead to these conclusions, the intrigues of parties, the incidents favourable or adverse to their interest, ought to be minutely surveyed. In treating of interesting questions, I have exhibited a specimen of the arguments, which were introduced in the discussion of them. In order to draw a more lively picture of the times, I have endeavoured to enter into the spirit of the persons who were warm in the scene of action, to see with their eyes, and to estimate events and measures by their standard. I have attempted to represent their motives; to ascertain the effects of different measures, and of the conduct of ministry and opposition, as salutary or pernicious to the constitution.

This work, if executed with perspicuity and faithfulness, may, it is hoped, contribute not only to instruction, but to moral improvement. It will afford repeated opportunities of inculcating principles of genuine patriotism upon those, who wish to understand

stand and to pursue the true interests of their country. It will suggest strong arguments for restraining the credulity, and moderating the violence, of others, who devote themselves, with implicit confidence, to the interest of any party whatever, by holding out to them the inconsistency of opinions, ascribed to the same persons, in different stages of their history, corresponding to the vicissitudes of their political situation. They, who censure with severity, the conduct, either of ministry or opposition in our own time, may learn greater candour and indulgence, by taking the standard of their judgment, with respect to public characters and measures, from a period which they are able to contemplate, without any bias arising from prejudice or interest. They, who are deeply affected with the apprehension of the fatal consequences of measures of which they disapprove, may derive comfort, from marking, in the sequel of history, the confutation of presages and fears, announced under similar impressions of gloom and despondency.

Upon the whole, though some shades may obscure the lustre of that period of our history, which has elapsed since the Revolution, yet the liberal mind will recognise, with pleasure, a more advanced progress of liberty, and of every species of national improvement. From many auspicious symptoms, we are encouraged to anticipate, what, perhaps,

perhaps, is at no great distance, a nearer approach to moral and political perfection, than has been exhibited in the record of ages that are past.

No subject can more conduce to the development of the heart, or to the enlargement of our knowledge of human nature, than that which leads us to trace the springs of political intrigues; and to delineate the various passions, which agitate the votaries of party.

Should this work contribute, in any degree, to eradicate prejudices fatal to order and liberty, to infuse into the mind a detestation of factious and narrow policy, and to cherish a love of probity and patriotism, the highest ambition and fondest wish of the author will be gratified; and his labour will be recollected, with a satisfaction more solid and durable than that which is excited merely by the praise of diligence and ingenuity.



THE  
H I S T O R Y  
OF  
POLITICAL TRANSACTIONS,  
1660. 1661. 1662.

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C H A P. I.

*Restoration of Charles the Second.—Temper and Measures of the Convention Parliament.—The second Parliament loyal, but averse to Toleration.—Corporation and Uniformity Acts.—Declaration of Indulgence.—Intrigues against Ministry.—War with Holland.—Commencement of Opposition in Parliament.—Fall of Clarendon.—Early Schemes against the Duke of York.—Peace with Holland.—Reasons for an Alliance with Holland.—Charles dissatisfied with his Parliament.—Secret Treaty between Charles and Lewis.—Character of the King's Ministers.—Measures taken in concert with Lewis.—Arbitrary Measures of Administration.—Second War with Holland—unsuccessful.—The King solicits the Aid of Parliament.—Prudent and firm Conduct of the Commons.—Breaks and divides the Cabal.—Indulgence recalled.—Address against Roman Catholics.—Test Act.—Reflections.—Address concerning Grievances.—Opposition of Shaftsbury to the Courts.—His Character.—Conversion of the Duke of York to the Roman Catholic Religion.—Proceedings of Parliament.—Lord Danby becomes the Object of the Resentment of the Commons.—His Conduct as a Minister.—New Test Bill.*

**T**HE restoration of Charles the Second filled the nation with joy, and was followed by a long period of peace and political harmony. The prince, the ministry, and the parliament, were united in the same views of policy; and the business of the nation was conducted without opposition from any party.

B

The cond.

C H A P.

I.

1660.

8th May.

Restoration of Charles the Second.

## CHAP.

## I.

1660.  
Temper  
and mea-  
sures of  
the con-  
vention  
parlia-  
ment.

The convention parliament mingled patriotism with loyalty. While they provided for the support of the king, and testified their indignation against the persons who were stained with the blood of his father, they adopted the most effectual measures to complete the settlement of the nation, and to prevent future oppression. They passed an act of indemnity, disbanded the army, and abolished the courts of wards and liveries; a branch of the royal revenue most grievous to the subject. Judicial proceedings, which had taken place during the usurpation, were ratified; all persons, who had been violently deprived of titles, offices, and estates, were restored to them<sup>1</sup>.

A great proportion of the members of the convention parliament were presbyterians<sup>2</sup>; and as their political principles led them to wish for limitations of the prerogative, some of them had moved to specify these, as conditions of the king's restoration<sup>3</sup>. Though the impatience of the nation, and the authority of general Monk, had over-ruled their design, yet the recent obligations they had conferred upon the king, and the questions which lay open to discussions in carrying on the settlement of the nation, seemed to present an opportunity, peculiarly favourable to the recommendation and success of their political system.

If the apprehension of these consequences privately lessened the king's confidence in this parliament, the narrow and unconstitutional principle, upon which it had been convened, afforded a specious pretext for hastening its dissolution. The writs for a general election had been issued by the few remaining members of the long parliament;

<sup>1</sup> Journ. Lords and Commons, *passim*.

<sup>2</sup> Life of Clarendon, vol. i. p. 222.

<sup>3</sup> Ludlow's Memoirs, vol. iii.

and all, who had assisted in the war against that parliament, were declared incapable of being elected representatives of the people<sup>4</sup>. The convention parliament was dissolved on the 29th of December.

CHAP.  
I.  
1660.  
The second parliament loyal, 8th May 1661.

Zeal for loyalty was preferred to every other qualification, in the choice of members to serve in the second parliament of Charles. Far from any inclination to assert and establish the ancient privileges of the people and to prescribe boundaries to prerogative, the commons, in the fervour of loyalty, had no object so much at heart as to exalt the power, and gratify the desires, of the sovereign<sup>5</sup>. To the sound policy of administration, and, particularly, to the moderate counsels of the earl of Clarendon, more than to the wisdom and temper of parliament, the nation was indebted, not only for restraining the ebullitions of loyal zeal, but for the adoption of salutary laws, which had been enacted during the establishment of the republic<sup>6</sup>. If the ministry approved of or advised, in a few instances, exertions of prerogative illegal and of dangerous example, they are to be considered as exceptions to the established rules of their political system; they were prompted by necessity, and the sudden apprehension of danger, arising from conspiracies against the king, formidable by the inveterate and enthusiastic disaffection, rather than by the number and rank, of the persons who formed them<sup>7</sup>. The king resumed the power of regulating the militia without waiting for the consent of parliament. A proclamation against printing and selling seditious libels was expressed in terms inauspicious to the liberty of the

<sup>4</sup> Echard, vol. iii.

<sup>5</sup> Coke's Detection. Reresby.

<sup>6</sup> Burnet.

<sup>7</sup> Ralph. vol. i.

\*CHAP. I. preſs, Two regiments, one of horſe, and another of foot, were raiſed to be a guard to the perſon of the prince, which, conſidered as the beginning of a ſtanding army, was an object of jealousy to a free people. Theſe meaſures were ſuffered to paſs without any apology offered by the prince, or any animadverſion or check interpoſed by the parliament.

but averſe  
to tolera-  
tion.

14th April  
1660.

Religious toleration was the ſingle point upon which miniſtry and parliament, in the early period of this reign, maintained ſentiments different from thoſe of the prince; and adhering to which they were bold enough to thwart his private wiſhes, and preſcribe limitations to his authority. The king, by his declaration from Breda, had promiſed indulgence to the preſbyterians; their ſervices in the reſtoration merited this favour, and his honour was intereſted in making it effectual. There remains, however, no room to doubt, that a partiality to the Roman catholics, and the ſcheme of extending indulgence to them, more than either lenity of diſpoſition, or regard to his honour, were the motives of the king's public favour to the proteſtant diſſenters; and that the ſuſpicion of theſe motives aggravated the offence, and inflamed the reſentment which his declaration excited among the loyalists of the church of England<sup>r</sup>.

Corporati-  
on and  
uniformi-  
ty acts.

The earl of Clarendon, who had the principal direction of affairs at this time, was attached to the worſhip and forms of the church of England, with all that enthuſiaſtic zeal with which the eſtab-

<sup>r</sup> This account of the king's declaration is admitted by North, an author by no means prone to cenſure or miſinterpret the conduct of Charles. North's Examen, p. 431.—It is alſo confirmed by the declaration of lord Stafford in the houſe of peers, and by the ſeverity of the king to the proteſtant diſſenters, after the period when their intereſt was diſtinguiſhed from, and ſet in oppoſition to, that of the Roman catholics.

lished triumph of party naturally inspires its votaries, after a period of depression and struggle; and which, notwithstanding his prudence and generosity, betrayed him into measures severe and illiberal, when the interest of episcopacy was concerned. Monarchy and the church of England, during the convulsions of the nation, had been blended in the same political fate; they had the same enemies, the same friends, and had fallen together by the same shock. Hence the most zealous loyalists had been led to consider the interests of the church and of the monarchy as indissolubly united, and the corporation and uniformity acts were contrived to exclude protestant dissenters from civil and ecclesiastical power.

The king did not use any influence to prevent the act of uniformity, or to procure such modifications of it, as might leave room for a legal and inoffensive discharge of the promise made in his declaration of Breda. Indolent and inconsiderate, he probably did not apprehend the extent of the violence and cruelty with which it was fraught, or believe that the presbyterian clergy would resist it with such unanimity and firmness. He was, perhaps, deceived by his experience, and trusted that the obsequious temper of his parliament would dispose them to connive at any interposition of prerogative; intended to mitigate the severities resulting from a rigid execution of the law. Two thousand presbyterian ministers were ejected from their livings, and many of them reduced to indigence\*. Charles was upbraided with the breach of his promise, and the oppression of his government. The plea of humanity afforded him a specious pretext for trying the strength of prerogative, and establishing a precedent for indulgence to

CHAP.

I.

1662.

20th Dec.

1661.

19th

May,

1662.

Declaration

of indulgence.

24th Au-

gust.

\* Life of Baxter.

CHAP. the Roman catholics. He published a declaration,  
 I. dispensing with the penalties imposed by the act of  
 1662. uniformity; and some of the dissenting ministers,  
 26th Dec. who had been committed by the lord mayor of  
 London for violating that act, were set at li-  
 berty<sup>o</sup>. A measure, which at once shocked their  
 religious prejudices and so deeply wounded the  
 principles of the constitution, was opposed by the  
 commons, with the manifold advantages which  
 result from fervour of zeal and solidity of argu-  
 ment. The king revoked his indulgence. The  
 commons were soothed, and again became gene-  
 rous and indulgent, in every other instance, to the  
 inclinations of the sovereign.

Feb.  
1663.

Intrigues  
against  
ministry.

It were erroneous, however, to conclude, that, during this serene state of politics, the ambition of individuals was asleep; or that no conspiracies were formed against ministers by those who envied their power and emoluments. The principal offices of administration, after the king's return, were divided between the persons who had given proof of their fidelity to his father, and those who had been most forward and useful in promoting his own restoration. To the former were chiefly assigned the responsible and laborious departments of government; their attention to business, and gravity of deportment, secluded them from that familiar intercourse with their master, which was enjoyed by companions nearly of his own age, and qualified by congenial humour to gratify his taste for mirth and pleasure<sup>o</sup>. Flattered by the participation of his amusements and easy access to his person, the duke of Buckingham, the earl of Bristol, and sir Henry Bennet, had early cherished the idea of gaining the ascendancy in his councils, and of directing the disposal of preferments, and

<sup>o</sup> Life of Clarendon. Life of lord Keeper Guilford.

places. But as any direct attempt to embarrass CHAP.  
the affairs of government; would have been offen-  
sive to the king, by disturbing his repose, and ill  
received by a parliament overcharged with loyalty,  
their attacks upon the ministers were not founded  
upon mal-administration, or brought forward in  
the open path of parliamentary opposition, but  
levelled against their private characters, and con-  
ducted through the dark channel of intrigue and  
calumny<sup>12</sup>. Suspicions of the fidelity of his mi-  
nisters were artfully infused into the royal breast,  
and the chancellor, particularly, was represented  
as maintaining principles, hostile to prerogative  
and the independence of the crown. They em-  
ployed the influence of the king's mistresses, who  
were exasperated by the contempt with which they  
were treated by the chancellor, and readily co-  
operated to undermine him. They plied every  
engine of ridicule and humour, particularly fit-  
ted to work upon a temper addicted to frolic and  
levity<sup>13</sup>. So long, however, as the king found  
himself at ease, and obtained the supplies he de-  
manded, he remained immovable, by the motives  
of ambition, the importunity of mistresses, and  
the detraction insinuated against his ministers by  
loose and unprincipled companions.

The actual experience of inconveniences often  
predicted, produced, at last, a revolution in the War with  
Holland.

<sup>12</sup> An open attack was made upon the administration of Clarendon, by the earl of Bristol, in the house of lords, in the third session of the second parliament, 10th July, 1663. But the charge exhibited against him, consisting of articles of high treason and various misdemeanours, appeared so invidious and irregular in the opinion of the twelve judges to whom it was referred, that it was dismissed unanimously; and drew upon its author severe expressions of the king's displeasure. Kennet, vol. iii.

<sup>13</sup> Life of Clarendon, vol. i. p. 281. Carte's Life of Ormond, vol. ii.

CHAP. ministerial departments, dissolved the harmony which subsisted between the king and his parliament; and entirely changed the form and state of politics in the succeeding year of this reign. The king was urged, by the general inclinations of his people, and the importunity of private friends, to enter into a war with the Dutch<sup>14</sup>. The sum of two millions five hundred thousand pounds was voted by the commons for defraying the expences of the war. Liberal and unexampled as this supply was, the king found it inadequate; and made a demand for further supplies, in the full expectation of being answered with the same cheerfulness and generosity.

25th Nov.  
1664.

Com-  
the nec-  
essity of  
opposition  
in parlia-  
ment.

But now a variety of causes contributed to render the commons more slow and cautious in dis-

<sup>14</sup> War was declared against Holland, 4th March, 1665. The nation in general approved of this war, from a jealousy of the Dutch encroaching upon our trade, and the resentment of injuries supposed to have been committed by them against the English East India Company. Temple's Letters to sir John Temple, Oct. 10, 1667.—Both houses of parliament addressed the king against the Dutch. The commons highly approved of the war, and thanked the king for having entered into it. Journ. Com. 10th Oct. 1665.—The king was secretly averse to the war. Life of James, 1664.—The selfish views of individuals had a considerable influence in promoting the first war with Holland. The duke of York, fond of military employment, viewed the injuries committed by the Dutch in exaggerated colours, and incensed his brother against them, Life of Clarendon, vol. ii p. 14.—The duke of Albemarle was piqued with the Dutch on account of personal affronts which he had received while he served in their army, and flattered the court with an unbounded prospect of success, by disparaging their military and naval force. Life of James.—The French invidiously fomented the quarrel, expecting that it would furnish them with a pretence for encroaching upon Flanders, by interfering in the war, either upon the side of Holland or England, as contingent events should direct. Secret History of Europe, vol. i.—The success of the English at sea in the beginning of the war, and their treaty with the Bishop of Munster, determined the French to declare in favour of Holland. Ibid.

posing



posing of the public money, though solicited for the support of a war which they had warmly recommended. Their constituents, pressed by the burden of the former supplies, began to observe, with a censorious eye, the profusion of the court, and to complain of the mismanagement and perversion of sums voted for the public service. The commons, jealous for the protection of the established religion, were fretted by the repeated attempts of the court to introduce and support the toleration of dissenters. Though the king had departed from his declaration, his favourable inclinations were privately communicated to the dissenters, and he displayed extreme backwardness in executing those laws against them which were dictated by the ardent zeal of the commons<sup>11</sup>. The solicitations of the crown for supplies reminded them of its dependence, and inspired them with a consciousness of authority and importance, with which they were before unacquainted. The power of conferring obligations upon the prince, the source of honour and promotion, opened a fair prospect of gratifying the ambition and avarice of individuals. The very men who had hitherto laboured to rouse the resentment of the sovereign against his ministers, for hesitating to remove the ancient limitations of prerogative, and to establish the independence of the crown, began now to censure public measures, and to awaken a jealousy of the court, in order to raise an opposition in parliament, over which they might preside, and advance their own political importance. Extravagance and abuse in the expenditure of the revenue, suggested an inquiry into the disbursements of the supplies, and, at length, accomplished a resolution of the commons to appoint commissioners to revise the public

CHAP.

I.

1665.

1666.

<sup>11</sup> Ralph, vol. i.

CHAP. accounts<sup>16</sup>. The king, mortified by a measure  
 I. which he considered as disrespectful to his dignity,  
 1666-7. and fatal to his independence, resorted to remedies calculated to procure immediate tranquillity, without foreseeing the multiplied and lasting embarrassments to which they gave birth. By conferring pensions upon some, and promising preferments to others, he purchased an interval of repose; while, by exciting avarice, and cherishing expectations beyond the compass of his ability to gratify, he planted those seeds of importunity and disappointment which embittered the peace of his future years<sup>17</sup>.

Fall of  
 Clarendon.

31st Aug.  
 1667.

At this period, the king reflected, with regret, upon the opportunities of attaining to independence and absolute power, which had been neglected by the persons hitherto entrusted with the management of his affairs. The candidates for preferment artfully fell in with the stream of incidents, and adapted themselves to the present temper of their master, to gratify their resentment, and to promote their schemes of personal aggrandisement. They easily persuaded the king to consent to the disgrace of the earl of Clarendon, as the means of gaining popularity, and re-establishing the vigour of the monarchy. The pre-eminence and long continuance of Clarendon's influence had excited the envy of many persons of the first rank, who were warmly attached to the royal family. The sternness of his virtue over-awed and rebuked the fashionable licentiousness of the court. The superciliousness and formality of his external deportment rendered him ungracious to those with whom he conversed, in transactions of business, and the ordinary intercourse of life. A partiality

<sup>16</sup> Journ. Commons, Sept. Oct. and Dec.  
 Life of Clarendon, Marvel.

to the character of the king, inclined all parties to impute to the person who bore the principal sway in administration, every private injury, and every public calamity. The rigid laws against dissenters, and remissness in the execution of them; the neglect of indigent loyalists; the sale of Dunkirk; the marriage of the king; the ill success of the war; charges in some instances discordant and incompatible, were heaped together, in order to unite men of opposite principles and parties, in that odium and rancour which pursued the falling minister. It was at the same time represented to the king, that his affairs were not irretrievable; that, by removing the ministers who had hitherto limited his authority, and obstructed his schemes, he might yet build up prerogative, attain to a state of ease, and make himself independent on the favour of parliament<sup>18</sup>. The snare answered the most sanguine expectations of those who laid it, and the king surrendered Clarendon to the unmerited and malicious prosecution of his enemies<sup>19</sup>.

CHAP.  
I.  
1667.

With this event commences a new epoch in the political history of this reign. It is crowded with the bustle, the intrigues, and the exertion, of parties; it exhibits the commencement, the progress, and the most diversified forms of faction.

After the fall of Clarendon, the duke of Buckingham and the earl of Arlington became rivals for the favour of the king, which was still considered as the only path to power and office. Attentive, however, to their common interest, in completing and establishing the late revolution in administration, they suppressed their mutual ani-

Early  
schemes  
against the  
duke of  
York.

<sup>18</sup> Cunningham's History of Britain, vol. i. p. 19. Life of Ormond.

<sup>19</sup> Jour. Lords and Commons, Oct. and Nov.

CHAP

I.

1667<sup>1</sup>

monstrosities, and united their efforts, to extirpate any influence that remained with the friends of lord Clarendon<sup>20</sup>. The duke of York, though unable to stop the torrent of opposition which had overwhelmed his father-in-law, still avowed his attachment to his relation, and declined to enter into any terms of agreement with a ministry exalted upon his disgrace. To avert the distant prospect of feeling his resentment, the new administration, at an early period, formed the design of defeating his succession to the crown. Different plans of accomplishing this important object were suggested by those who were equally interested in its success. Some of them hoped, that the king might be prevailed upon to consent to a divorce, on account of the barrenness of the queen; a measure, which, if it obtained the sanction of parliament, could not fail to be highly acceptable to the nation, originally dissatisfied with the match, and alarmed at the consequences of an alliance between their sovereign and a Roman catholic family. Another plan of subverting the duke's title to the succession, not only less tedious in execution, but less exceptionable, on account of its being free from any charge of harshness and disrespect towards the queen, was suggested by the partial affection of Charles to his son, the duke of Monmouth. The friends of the latter were by this encouraged to hope, that they might obtain from the king a formal acknowledgment and confirmation of his having been married to the duke of Monmouth's mother before they cohabited together; a report which many of the nation were inclined to believe, because it had been circulated in conversation; and to support with their influence, because Mon-

<sup>20</sup> Life of James, 1667-8. Burnet, 1668.

mouth stood high in their affections<sup>21</sup>. These CHAP. 1.  
 circumstances are deserving of notice, upon ac-  
 count of their influence, at a subsequent period, in  
 producing the bill of exclusion, which was then sup-  
 ported by the same persons, with arguments more  
 specious and interesting to the public, than those  
 which first suggested the expediency of such a  
 measure. 1667.

Peace with Holland, desired with equal anxiety  
 by the king and the nation, was the first measure  
 which employed the official labours of the new ad-  
 ministration. The king, who had never entered  
 cordially into the war, became still more averse to  
 it, because France had sided with Holland. He  
 was weary with soliciting supplies, no less than the  
 people were with granting them<sup>22</sup>. The revenue  
 and public treasure had sunk during the continu-  
 ance of the war, and great arrears were due to the  
 army and navy. While the prospect of success  
 abroad was diminished by a reconciliation between  
 the States and the bishop of Munster, the nation at  
 home was subjected to the most mortifying insult  
 by the boldness of the Dutch fleet, which entered  
 the river, and destroyed several ships of war at  
 Chatham. The exultation of the states, upon 19th June,  
 this advantage, was damped, and the views of 1667.  
 pushing hostilities any farther against England re-  
 pressed by the ambition of the French king, who  
 now began to trample upon every form of justice,  
 and to fill the surrounding powers on the continent  
 with the most alarming apprehensions. The de-  
 jection and discontents of England, occasioned by  
 the late superiority of the Dutch, and the terrors  
 of the Dutch, excited by the ambition of France,  
 disposed both the contending powers to turn their

Peace  
 with Hol-  
 land.

19th June,  
 1667.

<sup>21</sup> Life of James, 1668. Macpherson's State Papers.

<sup>22</sup> Coke.

CHAP. thoughts towards a plan of peace, under the mediation of Sweden. A negociation between England and Holland was opened at Aix la Chapelle, which soon terminated in a league defensive against France.<sup>21</sup>

1.  
1667.  
Aug.  
1667.  
23d Jan.  
1668.

The sudden transition of England, not only from war to peace, but to the most friendly alliance with Holland, and to obligations of reciprocal protection confirmed by the triple alliance, forms one of the most singular political phenomena that occurs in the reign of Charles the Second. The bias of the king's affection leaned strongly to an alliance with France. He had already made proposals to that court, and had secretly engaged himself not to enter into any treaty injurious to her interest. The ministers, whom he now employed, concurred in the same prejudices and affections; and, if they had been at liberty to pursue them, they would not have hesitated, in case of a competition, about preferring the interests of France to those of Holland<sup>22</sup>.

Reasons  
for an alliance with  
Holland.

Many motives, however, conspired to recommend to the king, and his ministers, a line of foreign policy, different from that which they secretly favoured, and to constrain an external, though, as it soon appeared, a deceitful deference to popular opinions. The parliament, during the continuance of the war, had grown more independent, and had assumed a more active and decisive part in the management of public business. The people at large began to enter into critical discussion of public measures; and the motives of commercial interest, or national resentment, which at first engaged their approbation of war with the States, yielded to indignation at the exorbitant ambition

<sup>21</sup> Temple's Letters, vol. viii.

<sup>22</sup> Letter of Ruvigny. Secret History of Europe. vol. i.

of France, which united England and Holland by a sense of their common danger. It was in vain for the ministry, if they set out in a course of measures repugnant to the sentiments of the nation and the house of commons, to expect that they would be able to extricate the revenue from the incumbrances with which the war had loaded it, or to maintain the power which they had acquired. The system of foreign policy, recommended to the king and his ministers by motives of popularity and domestic convenience, was, at the same time, most flattering to their own honour, and the reputation of the nation abroad. The king had lately acted as mediator in a peace between Spain and Portugal. By entering into a league with Holland, in order to prevent the future encroachments of France upon the provinces in Flanders, which was equally dreaded by the States, the Emperor, and Spain, he would be regarded as arbiter of the fate, and guardian of the liberties, of Europe<sup>25</sup>. Though the king himself was but little stimulated by motives of honour and patriotism, he could not be ignorant of the inconveniences he might suffer, by thwarting measures so consistent with sound and liberal policy, and so earnestly urged by the wishes of his people. The triple alliance, candidly ascribed to the obvious and powerful motives we have already mentioned, effaced the suspicion of his attachment to France, and restored him to the affection and confidence of his subjects<sup>26</sup>.

So

<sup>25</sup> Temple's Letters.

<sup>26</sup> It is asserted by some, that the triple league was insidiously encouraged by France, as it conceded to her the conquests she had already made in Flanders, or stipulated an equivalent, if Spain should resume them. If Spain declined compliance with either of these alternatives, it would afford France a fair pretext for renewing the war, and for making farther encroachments. Coke. Bolingbroke's Letters.

CHAP. So far as we have advanced in our history, judg-  
 1. ing from the facts and measures which have lain  
 1668. open to our inspection, no flagrant error in policy,  
 nor iniquity in government, can be imputed to  
 the character of the prince. His propensity to  
 soften the rigour of the act of uniformity, though  
 it precipitated him into the violation of the law,  
 was so consonant to lenity, and a respect to his  
 early promises to the presbyterians, that we might  
 have hesitated whether to praise or to censure, if  
 the future measures of his reign did not extinguish  
 all credit for his having been actuated by such re-  
 spectable motives. The persecution of Clarendon,  
 unjust and severe, was carried on with such un-  
 animous and vehement rancour by every party,  
 that no common degree of fortitude in the prince  
 must have been necessary to resist its effects, and  
 protect his minister, though he had been entirely  
 satisfied with his conduct. The triple alliance  
 was founded upon generous and sound maxims of  
 policy, redounded immediately to the dignity of  
 the crown and nation, and inspired pleasing ex-  
 pectations, that wise measures would be pursued  
 through the remainder of this reign. How far  
 these

By the letters of Charles the Second to Lewis and the  
 Dutchess of Orleans, it appears, that the former had entered into  
 the triple league without the consent of Lewis, but, at the same  
 time, was persuaded, that it could not be injurious to the French  
 interest. That Lewis, however, was offended with the league,  
 appears from the language of Ruvigny, his ambassador at London,  
 to Charles, to whom, renewing his professions of esteem and af-  
 fection for Lewis, he, Ruvigny, replied, That his, Charles's con-  
 duct had been but little answerable to these professions, and that  
 he knew it had given cause of offence and mistrust to his master.  
 Dalrymple's Appendix, p. 10.

It is probable, that, from a suspicion of the triple league being  
 disagreeable to France, or upon the actual notice of its being so,  
 Lord Clifford said to a Friend of Sir William Temple's, "For all  
 this, we must have a war with the Dutch before it be long."  
 Temple's Memoirs, vol. i. p. 251.



these expectations were well founded, and how far CHAP. I.  
either private virtue or patriotism mingled among  
the motives by which the king was influenced, and  
dictated the schemes he pursued, will appear from  
the events which fill the following pages. 1668.

The caution of the commons in granting supplies, and the firmness with which they had repelled every attempt to dispense with the laws, though conducted with respect and qualified with expressions of affection to the prince, infused into his mind seeds of disgust, which gradually ripened into an unconquerable aversion to his parliament. The incumbrances occasioned by the king's domestic profusion, as well as the necessary disbursements during the war, disposed him eagerly to listen to any plan for the augmentation of his revenue, independently of the favour of parliament, ever precarious and annexed to stipulations derogatory to his dignity and power. Charles dissatisfied with his parliament.

As an early attachment inclined the king to prefer an alliance with France to that of any other nation<sup>27</sup>, so, her religion, her political interests, her military powers, seemed to render her both able and disposed to assist his designs of acquiring an independent subsistence and an absolute sway. The extension of dominion by the annexation of the provinces of Flanders belonging to Spain and Holland, presented the most alluring bait to the ambition of France, and could only be obstructed by the interference of England, which, so far as the sentiments and true interests of that nation were regarded, she had every reason to expect<sup>28</sup>.

An alliance so favourable to the schemes of Charles and Lewis had probably been projected by both of them, previous to any direct communication. Secret treaty between Charles and Lewis.

<sup>27</sup> D. Estrades' letters.

<sup>28</sup> Letters of Colbert.

CHAP. I. cation of their sentiments to each other. The former first intimated his friendly inclinations to the latter by the intervention of the queen-mother, and his sister the duchess of Orleans, well qualified, by situation and zeal, to be agents in this business<sup>29</sup>. No attention and no pains were omitted by Lewis to encourage the advances and correspondence of Charles, and to improve them into a durable bond of union, subservient to his schemes of invading the territories of his neighbours. Colbert was dispatched into England to converse with Charles concerning the plan of an alliance with France. The duchess of Orleans made a visit to her brother, to enforce and to hasten the negociations of the French ambassador<sup>30</sup>. All the articles of alliance were at last agreed to and ratified by a secret treaty between Charles and Lewis<sup>31</sup>. Though it was necessary to conduct a treaty odious to the people of England with the utmost address and secrecy, yet it could not be carried into execution without the knowledge and concurrence of the persons entrusted with the official departments of government. The secret was first imparted to a few who were friends to the Roman catholic religion. The king, at a private meeting held in the duke of York's closet, at which the duke of York himself, lord Arundel, lord Arlington, and sir Thomas Clifford, all Ro-

Aug.  
1668.

May,  
1670.

<sup>29</sup> Letter of Charles to the queen-mother. Ralph, vol. i.

p 152

<sup>30</sup> Testament politique de Colbert, p. 257.

<sup>31</sup> The principal articles of this treaty were, that Lewis and Charles were to join in a war against Holland; that king Charles was to receive two hundred thousand pounds for declaring himself a Roman catholic; and that France was to assist him with troops, should his subjects rebel, Dalrymple's Appendix, p. 30. This treaty was signed by the earl of Arundel, sir Thomas Clifford, and sir John Beeling, 1st June, and ratified by Lewis, 10th June 1670.

man catholics, were present, declared his zeal for the Roman catholic religion, and advised with them concerning the proper means of advancing it in his dominions<sup>12</sup>. The result of this conversation was what the king wished, and had already consented to in his private treaty with Lewis; namely, that this bold design could only be carried into execution in conjunction with France. For this purpose lord Arundel was sent over to execute a formal treaty, upon the terms already specified in the private correspondence between Charles and Lewis. This treaty, though conducted with the utmost secrecy, did not escape the suspicions of the nation at the period when it was transacted<sup>13</sup>, nor could it be fulfilled without an open and avowed alliance between England and France. The duke of Buckingham, who was a stranger to the first treaty, was sent to the court of France to carry compliments of condolence upon the death of the dutchess of Orleans; and, at the same time, to negotiate a treaty, nearly the same with that which had been privately concluded between Charles and Lewis<sup>14</sup>.

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It now remained that the king should make choice of such counsellors as were most capable of assisting him in the crooked and odious system of policy, which he had, to his disgrace, bound himself to adopt. Diffimulation, secrecy, intrepidity, disaffection, or indifference to the religion and

Charac-  
ters of the  
ministers.

<sup>12</sup> Life of James, 1669. Macpherson's State Papers.

<sup>13</sup> State Tracts, time of Charles.

<sup>14</sup> Echard, vol. iii. p. 255. The article of religion was suppressed, as too odious to be endured by the nation. At the same time, that the king might not lose any part of the premium which induced him to connect himself with France, the sum of two hundred thousand pounds, stipulated upon the condition of declaring himself a Roman catholic, was added to the sum he was to receive on account of his declaring war against Holland. Dalrymple's Appendix, p. 70. Reresby.

**C H A P.** constitution of their country, were the qualities principally requisite in men engaged to pursue a series of measures full of innovation, fatal to liberty ; and exposed to the most violent opposition, from the combined influence of prejudice and principle. Five persons, sir Thomas Clifford, the earl of Arlington, the duke of Buckingham, Ashley Cooper, and the earl of Lauderdale, were the little council selected by the king, to carry into execution his plan of changing the constitution and the religion of the kingdom ; and, as the present confederacy corresponded with the initial letters of their names, they received the denomination of the Cabal. These men were not united by harmony of political sentiment, or by any bond of affection or party, previous to the association into which they were now formed by the choice of their sovereign. Some of them had professed to entertain views of policy and of the interest of England, very different from the purpose of their present coalition. Among others of them, competitions and animosities had subsisted, which, though apparently suppressed, were not in reality extinguished : and fortunately for the nation, they broke out afresh, caused a division among them, and saved the liberties of England, as soon as the king began to be staggered with the complaints and remonstrances of parliament<sup>ss</sup>. The choice of the king, however, was not fixed, without a regard to talents, which recommended the members of the cabal to a preference, for the services he intended to exact from them. Arlington and Clifford were attached, with all the zeal of new proselytes, to the Roman catholic faith, which was a principal object of the alliance with France.

<sup>ss</sup> North's Examen. p. 453. Memorial of Ruvigny, Dal. Ap. Life of James, 1670.

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The former had been conversant in affairs abroad, and had acquired a great influence over the mind of the king, from having participated in his pleasures, and accommodated himself to his temper. The latter had distinguished himself as a ready speaker in the house of commons, and had acquired reputation for capacity, and application in the management of business.<sup>16</sup> The patronage of the dutchess of Orleans, which Buckingham enjoyed as long as she lived, and the ardour with which he entered into the French interest, supported his claim to be admitted into the counsels of the cabal, notwithstanding his having forfeited the confidence of the king, by the insolence of his behaviour. The transcendent abilities of Ashley Cooper rendered his support desirable, and his opposition formidable to every party. The earl of Lauderdale, by uniting zeal for the prerogative, with flexibility of temper, and compliance with the wayward humours and unsettled resolutions of the king, gained a firmer hold of his confidence, than any minister he ever employed. The members of the cabal, as an encouragement for their services, received donations of money from the French king, and distinguished preferments from their own prince.<sup>17</sup>

From the time that the alliance with France was projected, the king had taken indirect measures to testify his partiality for Lewis, and to put himself in a condition of rendering him more open and substantial services. French officers and sailors were trained in the English fleet; naval and military improvements, discovered in England, were

<sup>16</sup> Sheffield, duke of Buckingham, vol. ii Burnet.

<sup>17</sup> Burnet. Lauderdale was made a duke; Ashley Cooper a peer, by the title of the earl of Shaftsbury; Clifford was also ennobled, and made lord treasurer; Arlington was made secret r/ of state.

imparted

CHAP. imparted to the French court<sup>38</sup>. By a measure, more treacherous and abusive of the confidence of parliament, Charles forwarded his preparations for entering into an efficient alliance with France. Under the pretext of an alarm from the augmentation of the French fleet, he solicited a supply from the commons, to enable him to fit out fifty-two ships of the line; and, in order more effectually to lull suspicions, he repeated his assurances of attachment to the national religion, and his resolution to execute, with rigour, the laws against the Roman catholics<sup>39</sup>. The supply obtained was basely applied to the support of that power which it was intended to control. He sent Mr. Coventry ambassador to Stockholm, to co-operate with the French agents in detaching Sweden from the triple alliance. The parliament, which was prorogued to the twenty-second of April one thousand six hundred and seventy one, was, in consequence of repeated prorogations, prevented from meeting for the dispatch of business till the fourth of February one thousand six hundred and seventy three. Prince Rupert, lord keeper Bridgeman, Mr. secretary Trevor, and the duke of Ormond, were removed from the council of foreign affairs, that they might not give any obstruction to the measures the king was bound to pursue, in conformity to his engagements with France.<sup>40</sup>

Arbitrary  
measures  
of admini-  
stration.

2d Febru-  
ary, 1672.

Under the dominion of the cabal, emancipated from the control of opposing counsellors, and the awe of parliament, all disguise was laid aside, and the most violent measures were attempted, to accomplish the ends of the French treaty. The

<sup>38</sup> Secret History of Europe, vol. i.

<sup>39</sup> Journ. Commons, 14th Feb. 1670, and 13th March 1671.

<sup>40</sup> Kennet. Life of Ormond.

triple league was dissolved; war was declared against Holland upon the most frivolous pretences, and the commencement of it was attended with the most dishonourable circumstances<sup>41</sup>. The navigation act was suspended. A proclamation was published, for maintaining strict discipline in the army, in order to palliate the offence occasioned by the additional numbers of soldiers quartered in the country. To supersede the necessity of summoning a parliament to grant supplies, the exchequer was shut, and the sums, due to many of his subjects, were applied by the king for the support of his fleet and army<sup>42</sup>. A declaration for liberty

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<sup>41</sup> The pretences, under which war was declared against Holland, are acknowledged to be frivolous, even by authors partial to the court. Some of them were so trifling, that the very notice of them degraded the dignity of administration. They complained of libels, medals, and pictures in Holland, which were an affront to the king. Other reasons, of a more serious complexion, such as insults and wrongs committed against the India company, were suggested by the influence of the court. The insult to the British flag, enrolled in the list of provocations, was designedly courted by the English, and amounted to no more than this—that a Dutch admiral, with his fleet, upon the coast of Holland, had refused to strike sail, when required by a captain of one of the king's yachts; and, after all, the Dutch offered any satisfaction the king should think fit to demand. But no sooner was one complaint obviated, than another was started; and Downing, who was sent to Holland to make complaints, returned with all possible haste, as if he had been afraid of receiving satisfactory answers. North's Examen. Coke. Temple, vol. ii. and iii. Secret History of Europe, vol. i. p. 138.

The war commenced with dishonourable circumstances. A fleet was sent out, under the command of sir Robert Holmes, to captivate the Dutch Smyrna fleet, previous to the declaration of war. The failure of this expedition was a great disappointment to the cabal, who expected to procure such a sum by the prizes, as would enable them to carry on the war without aid from parliament. Ibid

<sup>42</sup> The exchequer was twice shut; first, on the 8th Jan. 1672 to the 31st Dec. 1672, and again on the 31st Dec. 1672 to the 6th May 1673. It was expected by the cabal, that the de-  
tention

CHAP. liberty of conscience was again published, as the  
 I. most effectual method of reconciling dissenters of  
 1672. every description to the measures of administration. The chancellor of the exchequer, by his own authority, issued writs for the election of members to supply the vacancies in parliament<sup>43</sup>. In order to suppress the murmurs, and overawe the complaints, which a series of measures, so arbitrary and dangerous, could not fail to provoke, a proclamation was published, threatening severe punishment against all persons who presumed, by writing or speaking, to publish false news, or to intermeddle with the affairs of state, or with the persons of any of his majesty's counsellors and ministers.

War with  
Holland.

The war with Holland was prosecuted with activity, but was not attended with the success which had been anticipated by the cabal, and which was necessary to realize the schemes of independence and power grasped at by Charles. The wisdom and enterprise of the young prince of Orange, now restored to the prerogatives of his ancestors, united the councils and animated the resolutions of all the states, and displayed the most glorious and fortunate efforts of defence against the

tention of money, and the Dutch spoils, would supersede all supplies. It is asserted, that, after the resolution of shutting the exchequer was adopted by the cabal, the execution of it was suspended, till they and their friends had drawn out the sums due to them by government—Honesty the best policy. Somers' Col. vol. vii. p. 363.

<sup>43</sup> This power, assumed by the chancellor, had been hitherto exercised by him only after receiving the speaker's warrant. It might, perhaps, be the instrument of throwing some additional weight into the scale of the crown, by accelerating or delaying the time of election, so as to favour the interest of the candidates devoted to the court. This, however, must have been inconsiderable; and it rather appears to have been intended to serve lord Shaftsbury's own political views in the elections for the county of Dorset, where his interest lay. North's Examen, p. 56.

combined



combined force of England and France. By entering into an alliance both with the Emperor and with Spain, he disappointed that rapidity of conquest, upon which the English and French monarchs had confidently reckoned from the superiority of their arms; and upon the accomplishment of which, the independence and arbitrary views of the former were, in a great measure, suspended. The temporary supplies, once and again derived from shutting the exchequer, were exhausted. The funds, raised out of the Dutch spoils, fell short of expectation; and necessity once more constrained Charles to supplicate aid of that very parliament, upon which it was the object of the war to render himself independent.

Two expedients only were left to the choice of the king, by which he could expect to persevere in the system of political measures he had adopted, in conjunction with the court of France. By smoothness of address, and by anticipating the wish of his people, in retracting some of the most odious exertions of prerogative, which had taken place during the long recess of parliament, the king might hope to soothe the commons into an approbation of the war, and to obtain supplies for the maintenance of his army, which might be employed, at some future period, as the instrument of arbitrary power; or, by assuming the language of boldness and resolution, parliament might be overawed, opposition disconcerted in its first formation, and an easy and complete victory obtained over the liberties of his people. If the former of these was preferred, or if the king should ever betray any inclination to relent or to yield, in one single point, to the opposition of parliament, the cabal had reason to apprehend, not only a speedy dissolution, and the extinction of their political influence, but also to dread utter disgrace and ruin from the

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unsuccessful.The king  
solicits the  
aid of par-  
liament.

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the vengeance of an offended nation. As their interest prompted them to recommend an unshaken firmness to the king, so the worst effects, that could flow from it, were the violent measures of opposition in parliament, which would afford them an opportunity of accomplishing, by more direct steps, a change in the constitution, the object of their confederacy. The bold spirit of the cabal, more than the timid disposition of the monarch, dictated the speech by which the king addressed his parliament, which met, for the tenth session, on the fourth of February one thousand six hundred and seventy-three. He assumed the language of high authority. He said, that he had seen the good effects of his declaration for indulgence; that he would take it ill to receive contradiction, and that he was firmly resolved to adhere to it. The earl of Shaftsbury, as chancellor, followed his majesty, with a minute detail of the provocations of the Dutch, in order to justify the war; and held forth nothing less than their utter destruction, as essential to repair the injured honour, and to secure the future prosperity of the English crown. He concluded with the most fulsome panegyric upon the patriotism and virtues of the prince, which, compared with the sentiments he ever after held, exhibits the most striking example of versatility and self-contradiction, that can be selected from the history of any political character.

Prudent  
and firm  
conduct of  
the com-  
mons.

The wise and temperate measures pursued by the commons, disappointed all the conclusions to which the schemes of the court were adapted; and broke to pieces, without any conflict or struggle, a confederacy, armed for the destruction of the liberty and religion of England. The commons gratified the king's desire, in the choice of a speaker; they unanimously voted a supply of eighteen months assessment, at the rate of seventy thousand pounds:

pounds a month; they addressed him in the most affectionate expressions of loyalty: but they excluded those members who had been returned upon the writs issued by the chancellor; and boldly remonstrated against the declaration for indulgence, as a violation of law, and dangerous to the constitution<sup>44</sup>. And thus, by a well-timed mixture of patriotism and loyalty, they avoided giving any offence to those who were attached to the monarchy, and cut off any reasonable pretext of complaint from the king; while, at the same time, they carried along with them the approbation of all who were friends to the constitution. The confidence of the members of the cabal began now to be shaken, and their counsels to be divided. Some of them exhorted the king to adhere tenaciously to his indulgence, while others, suspecting from the resolute opposition of parliament, and the wavering of the king, who gave up the question about the writs, that the ground, on which they stood, was no longer tenable, deserted from the court, and ensured their personal safety, by exposing those measures of which they had been the principal abettors<sup>45</sup>.

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breaks and  
divides the  
cabal.

The king remained for a few days in a state of perplexity and suspense. He put on the countenance of obstinacy. He addressed himself to the house of lords, complaining of the commons, and soliciting their support to maintain his declaration. The disapprobation of many of the members of both houses, whom he had reckoned upon as friends, privately intimated to him, and backed by the pressing entreaties of the French ambassador, in the name of his master, at last entirely overcame the resolution of Charles; and, as if it had

1st March.  
Indul-  
gence re-  
called.

<sup>44</sup> Journ. Commons, 5th, 7th, 10th, 26th, 27th February.

<sup>45</sup> Echard, vol. iii.

been

**CHAP.** been to atone for past offences, he recalled his indulgence, with expressions of penitence and indignation<sup>46</sup>. The commons having succeeded in their opposition to the indulgence, both houses now turned their attention to strengthen the barriers of the constitution in that quarter into which the king had repeatedly attempted to push the usurpations of prerogative. A joint address was presented by both houses of parliament, representing the dangers arising from popish recusants, and praying the king to command priests and jesuits to depart from the kingdom, and to disband all officers and soldiers who refused to take the oaths<sup>47</sup>. This address also met with a favourable answer from the king.

**Address  
against  
Roman  
Catholics.**

**Test Act.** A more impregnable and lasting fence for the protection of the church of England the zeal of this parliament raised, by obtaining the royal assent to the test act, which excluded from any office or place of trust and profit, all, who did not renounce the doctrine of transubstantiation, and receive the sacrament of the Lord's Supper, according to the form of the church of England<sup>48</sup>. It is a curious and memorable circumstance, that an act, which shut the door of preferment against the protestant dissenters, and doomed them to the same political incapacity with Roman catholics, not only passed without any opposition from the former; but, that it was promoted by the most respectable leaders of their party.

**Reflections.**

This concession of the protestant dissenters has been often applauded by their friends, as a singular example of prudence and generosity; because they sacrificed their rights and resentments, to the

<sup>46</sup> Echard, Colbert's Letters to Lewis, Dal. Ap. p. 94.

<sup>47</sup> Journ. Lords, 7th March.

<sup>48</sup> Journ. Lords, 29th March.

dread of impending popery, and the security of the reformed religion<sup>19</sup>. Their conduct upon this occasion, whether examined by the rules of probity, or the dictates of enlightened charity, will be found deserving of explicit and marked expressions of condemnation. Professing to guard against popery, did not the dissenters act under the influence of its worst principles? Did they not abandon their rights, as men and as christians? rights, the renunciation of which, for a single day, no fear of danger, nor prospect of future peace, can justify, at the tribunal of conscience.

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The event of providence has instructed us, by this, and every similar experiment, to reprobate the imprudence, as well as the immorality of that maxim; That it is lawful to do evil, when good may be obtained by it. A bill brought in for the relief of the protestant dissenters, as the reward of their consent to the test act, was defeated by the disagreement of the two houses, and the adjournment of parliament. And thus, the temporizing spirit of the dissenters has transmitted bondage to their posterity, which the liberality of the age in which we live, never could have imposed; but from which even that liberality is not adequate to emancipate them, while it is counteracted by religious bigotry, and the timid policy of those who dispense the favours of government.

29th  
March.

An address of the commons, complaining of grievances, attended the supplies<sup>20</sup>; but it is remarkable, that the most obnoxious measures which had been carried on during the administration of the cabal, were not only omitted, but screened from future crimination, by an act of indemnity, extending to every offence committed against the

Address  
concern-  
ing griev-  
ances.<sup>19</sup> Burnet, &c.<sup>20</sup> Journ. Commons, 25th March.

CHAP. state, before the fifteenth day of March, one thousand six hundred and seventy-three<sup>51</sup>.

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Such delicate forbearance in the enumeration of grievances, followed by a measure cancelling the deepest political guilt, was the price opposition paid for the services of the revolted members of the cabal, who afterwards became their champions, and pushed hostilities against the court to the greatest extremities, which brought the government to the brink of a revolution.

From this period, through every succeeding session of parliament in the reign of Charles, we behold a fixed and powerful opposition to the measures of the court. Though this may be accounted for, in some degree, by that jealousy of French and popish influence, which spread over the nation, and was but too well justified by the secret intrigues and open proceedings of the court; yet opposition never could have attained to such consistency and vigour, if it had not been conducted with distinguished ability, and encouraged, at the same time, by an increasing distrust of the steadiness and resolution of the prince. Of all the members of the cabal, no one had gained such

<sup>51</sup> The grievances enumerated were: an imposition of twelve pence per chaldron on coals, by an order of the privy council, for providing convoys: the danger arising from the plan, proposed by his majesty's proclamation, for trying offences committed by soldiers; and the irregularities and abuses, occasioned by the pressing of soldiers, and quartering them in private families. Many grievances in Ireland were also enumerated, and referred, principally, to indulgences given to the Roman catholics in that kingdom. Journ. Commons, 25th March.

This address was expressed in terms of great respect to the king, and concludes with observing, That, though it had been the course of former parliaments, to desire a redress of grievances, before they granted supplies; yet they had such full assurance of his majesty's tenderness and regard for his people, that they humbly prostrated themselves at his feet with their petitions. *Ibid.*

ascendant

ascendant over the counsels of the prince, as the earl of Shaftsbury. To his influence in particular, there seems to be sufficient evidence for ascribing the shutting of the exchequer: the issuing writs, under the seal of the chancellor, for new elections: the proclamation for suspending penal laws against non-conformists; and the keen and impolitic prosecution of the second Dutch war. To these measures, as we have now seen, were owing the decline of the king's popularity, and the sudden transition of parliament from loyal and implicit confidence, to suspicion of his designs, and hatred to his ministers. It were, perhaps, too refined to assert, that Shaftsbury suggested obnoxious measures, with a deliberate and formed purpose of ensnaring the king; and of deserting him in the hour of danger, after he had made a breach between him and his people. Shaftsbury was probably sincere in his hatred to Holland, and wished to ex-

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Opposition  
of Shaftsbury to  
the court.

52 It is probable, that Shaftsbury, at first, resolved to stand by the king; and that his revolt was occasioned by the king's wavering conduct, particularly in the affair of the writs: for, when the new writs were issued by the speaker, it is asserted, that he refused for some days to seal them; declaring it to be an entrenchment upon prerogative. And when he was obliged to do it, by his majesty's positive command, he went home, and turned his back upon the sealers. Somers, vol. vii. p. 370.

Shaftsbury alone, of all the members of the cabal, was neither the object of impeachment, nor mentioned in any address of grievance. The shock, which his sudden and bold opposition had given to the spirit and measures of the court, completely obliterated the guilt he had contracted by his former association with ministry. The declining interest of Buckingham, Arlington, and Clifford, who were marked as the first victims of popular resentment, mitigated the severity with which the commons set out, in collecting materials of impeachment against them; and they were suffered to withdraw, at once, from influence and from danger. The power of Lauderdale and Danby, which continued unshaken, and increasing, amidst the late convulsions of party, provoked the most virulent and persevering attacks of opposition.

tend

C H A P. tend prerogative, in order to enlarge, at the same

I. time, the sphere of ministerial power. The ad-

vancement of arbitrary government, was the basis

1673. of his own projected elevation; but, when the

measures he suggested met with an unexpected and

indignant opposition from parliament; when the

prince himself was alarmed, and yielded the ques-

tion of the writs, and the more favourite measure

of the indulgence; the chancellor, roused by fear,

and stimulated by resentment, did not think it

enough to disappoint the court of that weight

which accrued from his influence and expertness

in debate; he suddenly turned the whole power

of his eloquence and abilities into the stream of

opposition; he announced menaces and dangers to

the royal family, and in the presence of the king,

not less rude and disparaging than those which had

grated the ears of his father in his lowest humili-

ation<sup>53</sup>. Thus the adviser of arbitrary measures,

and the most zealous partisan of the court, sud-

denly became the most virulent opposer of the

prince, and the most violent and persevering cham-

pion of patriotic measures. His abilities, his ex-

perience, and his temper, raised him to a decided

pre-eminence, above all who stood forth as candi-

dates to take the lead in popular cabals. The ar-

dour, with which he pursued every measure in

which he embarked, supplied the want of princi-

ple; and, notwithstanding the notorious versati-

lity of his conduct, he gained from his adherents

full credit for the sincerity of the motives by which

he professed to be actuated. His sagacity, en-

larged and instructed by the various revolutions of

government which had fallen within the compass

of his experience, enabled him to penetrate with

acuteness into the tempers and intentions of men;

His cha-  
racter.

<sup>53</sup> Burnet. North's Examen.



and to calculate, almost to a certainty, the influence of contingent events. He discerned, with no less accuracy, the natural infirmities, as well as the adventitious prejudices, of characters; and ever adopted the most successful plans, to render them subservient to his ambition or resentment. He possessed an imagination lively and fruitful, and contrived expedients, suited to the exigencies and temper of his party, which eluded the invention of men of ordinary capacity. He wonderfully availed himself of accidental circumstances, to invigorate a languishing, and to cheer a desponding, faction. The access which he had to the prince during the period of his administration, discovered to him all his intrigues, passions, and schemes. Like a revolted general, he carried along with him the most accurate knowledge of the strength and resources, the deficiencies and dangers, of those against whom he now turned his arms. He knew upon what side their territory, weak or unguarded, invited the assailant to certain victory and plunder. The natural insolence of his temper raised him above the awe of royalty, while his intimate knowledge of the corrupt policy and profligate manners of the prince, inspired contempt for the character of the man. Shaftsbury was well assured, that he had entered the list of opposition, against a sovereign, who never formed a wish for national prosperity; and that his own pretensions to patriotism were not more false and hypocritical, than those professions of regard to the constitution and the interest of his subjects, which were repeated in the royal speeches and proclamations. So far as regarded principle and patriotism, the king and his antagonist met upon equal terms. "Shaftsbury," said the king to him, when he filled the office of chancellor, "you are the greatest rogue in the kingdom." "I am,

CHAP. of any subject," replied the chancellor. In the recess of parliament, he caballed with every party disaffected to the court, and wrought upon the prejudices of the nation, to excite their terror of the approach of the Roman catholic religion. Many incidents, which now occurred, favoured his designs, and bore the most alarming symptoms of danger.

I.  
1673.  
Conversion of the duke of York to the Roman catholic religion.

The conversion of the duke of York to the Roman catholic religion had been long suspected, and was, at last, confirmed, by the resignation of all his offices, in consequence of the test act. He was about to contract a marriage with the princess of Modena, of the Roman catholic religion. If the partiality of the king to that religion, and his obstinate attachment to France, alarmed the fears of the nation, the character and bigotry of the successor threw them into despair.

Proceedings of parliament.

The effect of these impressions, and of the intrigues of Shaftsbury, were fully displayed in the succeeding sessions of this parliament. The principal aim of the commons, in particular, was to excite, to cherish, and to inflame the dread of popery. They issued an order for the solemn observation of the fifth of November<sup>34</sup>, as if the nation had been supine, and too ready to forget the bloody machinations of that religion. They addressed his majesty, to interpose his authority, to prevent the marriage of the duke of York with the princess of Modena<sup>35</sup>. Not satisfied with the exclusion of papists from offices, by the test act as it now stood, a general test was proposed, for distinguishing the protestants from the papists; and all who refused to submit to it, were not to be permitted to come within five miles of the court<sup>36</sup>.

<sup>34</sup> Journ. Commons, 27th October.

<sup>35</sup> Ibid. 31st October.

<sup>36</sup> Ibid. 30th October, 1st November.

They put a negative upon all supplies, till the kingdom was effectually secured from the danger of popery<sup>57</sup>. They presented an address for a general fast<sup>58</sup>, and were preparing another against a standing army, when his majesty prorogued the parliament.

CHAP.

I.

1673.

4th Nov.

1763.

During the recess of parliament, after the twelfth session, the king recommended to the chief justices, to put the laws in execution against the Roman catholics. It was resolved in council, that no Roman catholic should presume to approach his majesty's presence, or the vicinity of the court<sup>59</sup>. But the jealousy of the nation was too much inflamed, to be appeased by attentions upon the part of the king, evidently extorted by the necessity of his affairs. The house of peers, the last to depart from respect to the court, had now caught the alarm, and indulged the predominant spirit of the nation. At the beginning of the next session, they concurred with the commons, in an address for a national fast, on account of the danger of popery. The commons resolved to have all their grievances effectually redressed, and the protestant religion and their liberties secured, before they took the king's speech into consideration. As if the danger had been imminent, they addressed his majesty, to order the militia of London, and the county of Middlesex, to be ready at an hour's warning, to suppress all tumults and insurrections occasioned by the papists<sup>60</sup>. The list of grievances, contained in the address of the commons, indicated a personal jealousy of the king, and a dread of arbitrary power, as well as

13th session, 7th January, 1674.

<sup>57</sup> Journ. Commons, 31st October.

<sup>58</sup> Ibid.

<sup>59</sup> Echard, vol. iii.

<sup>60</sup> Journ. Commons, 12th January.

CHAP. I. of the popish religion<sup>61</sup>. Under the influence of these apprehensions, both houses pursued, through the succeeding sessions of parliament, a series of measures, calculated to circumscribe the power of the crown, and to take away all resources of supplies, without the consent of the national representatives. A standing army, in which were included the king's body-guards, was voted a grievance<sup>62</sup>. A bill was brought in, to make it treason to levy money upon any tax beyond the term prescribed by parliament. They appropriated the tonnage and poundage, according to its ancient and legal destination, to the use of the navy; and presented an address, to prevent any further anticipation of the customs of England or Ireland<sup>63</sup>.

Address  
to the  
Lauder-  
dale.

But the measure which opposition most strenuously laboured to accomplish, and for which repeated addresses were presented to the king, was, the disgrace of the earl of Lauderdale<sup>64</sup>. His ministerial conduct in Scotland exhibited examples of arbitrary power, not only unprecedented, and subversive of the freedom of that kingdom, but evidently fraught with the most dangerous designs upon the peace and constitution of England. The militia of Scotland, raised for the internal defence of that kingdom, was subjected, by an act of the Scotch parliament, to the uncontrolled authority of the king, and obliged to march wherever his affairs required its services<sup>65</sup>. Opposition to a standing army in England was of little avail,

<sup>61</sup> Journ. Com. 7th, 11th, 14th February.

<sup>62</sup> Ibid. 7th February.

<sup>63</sup> Ibid. 19th May, 19th October.

<sup>64</sup> Ibid. 31st January 1674, 23d April, 5th May 1675.

<sup>65</sup> History of Affairs in Scotland from 1660. Account of Grievances, by Lauderdale. Impeachment of the duke of Lauderdale, &c. by the city of Edinburgh. Somers, vol. vii. p. 195. 200.

while

while the king retained a body of troops in the neighbouring kingdom prepared for the most desperate services. Many acts of private oppression were enumerated in the articles exhibited against Lauderdale, which excited a general indignation in both kingdoms against him, but had no effect in lessening his influence at court.

Next to the duke of Lauderdale, the earl of Danby was the object of parliamentary resentment. As his usefulness to the crown, more than personal favour, was the source of his preferment, so the envy of his colleagues in administration, and venial political errors, rather than criminal misconduct, produced that odium which now began to pursue<sup>66</sup>, and afterwards accomplished, his ruin. Sir Thomas Osborne was first employed in a commission to examine the accounts of the sums which had been granted to his majesty during the Dutch war. In the prosecution of Clarendon, he adopted the keenness and resentment of the duke of Buckingham, by whom he was early befriended, and afterwards recommended to employment under the administration of the cabal. He discovered great diligence and capacity for business in the discharge of the office of treasurer of the navy, to which he was appointed in the second Dutch war. On the resignation of lord Clifford, he was appointed to succeed him in the office of high treasurer, upon the condition of paying him one half of the salary. He had, unquestionably, the merit of introducing greater œconomy into the management of the public revenue, than had been observed by his predecessors in office since the commencement of this reign; for he had paid off very considerable arrears with which it was embarrassed, made the stated payments more punctual, and, by

<sup>66</sup> Journ. Commons, April, May, passim.

CHAP. rendering several branches of the revenue more  
 I. productive, he raised the national credit, and bor-  
 1675. rowed money at eight per cent. which had not  
 usually been procured at less than ten. He was  
 sincerely and uniformly attached to the protestant  
 interest, and effectually contributed to its support.  
 He was the principal instrument in advancing the  
 prince of Orange in the line of succession; and by  
 maintaining a correspondence with him, and rais-  
 ing obstructions to the alliance with France, pre-  
 vented its full operation to the detriment of that  
 prince, and the protestant interest; and yet, the  
 alliance with France which he secretly abhorred  
 and thwarted, was the basis of his unpopularity  
 and of his disgrace<sup>67</sup>. But whatever his merits  
 were, his elevated preferment drew upon him an  
 uncommon share of that envy, which always at-  
 tends prosperity. As it is in vain to expect credit  
 for good intention, where the outward conduct is  
 censurable, so the measures of the court were, at  
 this period, so unconstitutional and unpopular,  
 that it is no wonder if they were successfully im-  
 proved by his enemies to criminate the minister,  
 under whose responsibility they were conducted.  
 From the charge of depravity, however, he can-  
 not be exempted, when it is admitted, that he  
 augmented his private fortune by the sale of offices,  
 and distributed money among the members of par-  
 liament, who prostituted themselves to support the

<sup>67</sup> Reresby. Memoirs of Danby. Lord Danby was so averse to alliances with France, that when he was not able to turn the king's inclination against them, he advised him to insist upon high and difficult conditions, that France might be disgusted. He was therefore so obnoxious to the French king, that Ruvigny was sent to England to thwart his administration. It was known, at that period, that Ruvigny upbraided Danby for his opposition to the French interest; and the duke of York disliked him for the same reason. Secret History of Europe, vol. i. p. 208. Burnet, 1676. Life of James.

measures of the court. The first of these charges, CHAP.  
 detestable as it justly appears, was considered in I.  
 this reign, and even after the revolution, as making  
 a part of the fair and established perquisites of 1675.  
 ministerial offices. The corrupting of the mem-  
 bers of parliament, introduced by the crooked  
 politics of Charles the Second, was now practised  
 with so little shame and reserve, and so much ex-  
 pected by the mercenary candidates for the wages  
 of iniquity, that no minister could hope to retain  
 his power without having recourse to it. Dexte-  
 rity in the management of this nefarious traffic,  
 was even considered as an important ministerial ac-  
 complishment. It was, however, exercised by  
 lord Danby with so little discretion and success,  
 that it proved but a feeble bulwark against that  
 combination which was now forming for the de-  
 struction of his power<sup>68</sup>. The superior influence  
 of the court, or the candour and justice of parlia-  
 ment, defeated the design of his enemies at this  
 time, and a variety of articles, presented against  
 him in the commons, in order to form the grounds  
 of impeachment, were rejected.

To counteract these proceedings of opposition, a New test  
 very impolitic measure was suggested in the cabi-  
 net, and soon brought forward in the house of  
 peers. It was proposed, that a more strict and  
 rigid test should be exacted of the members of both  
 houses of parliament, and of all persons invested

<sup>68</sup> Lord Danby, instead of taking off the great and leading  
 men, which had formerly been the practice, applied only to  
 those of low rank and character, reckoning, that he could pur-  
 chase ten of them at a cheaper rate than one of the leading mem-  
 bers. The consequence was, his losing the majority in the  
 house; because those, who were inclined to vote with the minis-  
 ter, were ashamed to be upon the side manifestly run down in  
 the debate. Burnet, 1675.

with

CHAP. with public office<sup>69</sup>. For this purpose a bill was framed, to confine all power and offices to such as adhered to the principles of the old cavaliers, with respect to the government of church and state. These principles, which had predominated during the first nine sessions of this parliament, began to decline; and, if the court did not quickly interpose, while its influence in any degree remained, a revolution of political sentiments seemed to approach, which would extinguish all hope of increasing its future splendour and dignity. The proposed act, so far as integrity and religion could be trusted, must necessarily prove an effectual obstacle to every plan of reducing the power of the crown, or altering the government of the church. It was declared unlawful to resist, not only the king, but those who were commissioned by him; and a solemn obligation was contracted, not to attempt any alteration whatever in the government of the church or state, as it was then by law established. The declaring it unlawful to resist those who were commissioned by the king, seemed to point particularly at the late proceedings of the commons, and to be calculated to render, not only the crown, but ministers, arbitrary, by securing them from resistance, while acting in the prosecution of unconstitutional and oppressive measures. The engaging to make no alteration in the government of church or state, at once overturned the supremacy of the crown, and the exercise of legislative power in parliament. These consequences, easily foreseen, exposed this bill to the opposition of many, who had hitherto been in the interest of the court; and though it passed in the house of lords, it was only by a majority of two voices, after having been followed by protests in every stage of it, and

<sup>69</sup> Journ. Lords, 15th April. Lords' Debates, vol. i. p. 129.



considerably altered and palliated with a clause CHAP. I.  
 against popery, which was not originally intended  
 by those who moved it<sup>70</sup>. There was great rea-  
 son to apprehend, that, by the exertion of court  
 influence, which was now stretched to its utmost  
 pitch, it would also have passed in the house of  
 commons, when a dispute between the two houses  
 obliged the king to put an end to the session of par-  
 liament<sup>71</sup>. 1675. 9th June.

<sup>70</sup> Journ. Lords, April, May, passim.

<sup>71</sup> One doctor Shirley brought an appeal before the house of lords, from a decree in chancery, against sir John Fagg, a member of the house of commons, which the lords received. The commons objected, that the lords exceeded their powers, by receiving an appeal from a court of equity, and that it was a breach of privilege for the lords to summon a member of the house of commons to appear before them; and, in resentment of this indignity, they ordered Shirley, and the lawyers who pleaded his cause at the bar of the lords, to be committed to prison. Journ. Lords, 6th, and Commons, 14th May.

Both houses were heated by this dispute, and passed many angry votes and resolutions in opposition to each other. Ibid.

The violence of this dispute excited a suspicion, that it was stirred up and fomented by the leaders of opposition, not only to disappoint the court of the test bill, but to accomplish the dissolution of parliament, as the resentment of both houses against each other seemed too deeply fixed to be effaced by prorogations. Burnet.

A jealousy between the two houses commenced at an early period in the second parliament of Charles, and continued till its dissolution. The great demands of the king for money made him pay greater court to the commons, who became elated with a sense of their own consequence. Evil counsellors used to tell the king, that if he had the command of the commons, he need not regard the lords. Life of Clarendon, vol. ii.

The long continuance of parliament enhanced the political consequence of every member of the house of commons. These circumstances, and the remembrance of the successful usurpation of the commons upon the lords in the reign of Charles the First awakened the jealousy of the latter, and rendered them very prone to take offence at the former. The commons were the first movers of many important bills in this parliament, and when

CHAP. when the lords were dilatory in proceeding on them, the commons were wont to send them messages to quicken their diligence. The lords degraded themselves, and became more exposed to the insolence of the lower house, by an extreme jealousy of trifling privileges, which they exercised with great abuse. Protections for arrest of debt were shamefully extended, and even sold by the servants of peers to bankrupts, to the ruin of honest tradesmen. The dignity and reputation of the upper house was much sunk, by altercations, personal abuse, and the rudest violence among themselves. Life of Clarendon, vol. ii. p. 294-5.

## C H A P. II.

*Charles makes peace with Holland.---but continues still in the Interest of France.---Enters into a new Treaty with Lewis,--who endeavours to obtain a separate Peace with Holland.---Patriotism of the Prince of Orange.---The Court attentive to the Elections.---Parliament meets,---addresses the King to form Alliances against France.---Altercation between the King and the Commons. --Marriage of the Prince of Orange to the Lady Mary, made the occasion of exciting Jealousies in England,---and in Holland.---The Agents of Lewis and the Leaders of Opposition unite in the same Views,---of disbanding the Army,---and dissolving the Parliament.---Union between Lewis and the popular Party unnatural and constrained. --Parliament meets ---expresses Distrust of the King.---Prorogued.---Embarrassment of the King. --Another Session of Parliament.---Ill-humour of the Commons.---Apology for them. ---France evades the Conditions she had agreed to for a Peace.---Sir William Temple sent to enter into an Alliance with the States,---which is overturned by the wavering of Charles.---The States make Peace with France---Observations upon the Conduct of Charles.---Lord Danby impeached.---Dissolution,---and Character of the second Parliament of Charles.*

**I**T is now time to return to those measures and C H A P.  
II.  
1675-6.  
events which were coincident with the parliamentary proceedings already recited, and which exhibit a picture of the spirit and political views of the court, more genuine and lively than that which is drawn from the public declarations of the king and his ministers, designed merely to varnish obnoxious measures, and to conciliate the affections of the people in the moments of solicitation and dependance.

In

## CHAP.

## II.

1675-6.  
Charles  
makes  
peace with  
Holland,  
28th Fe-  
bruary,  
1674, but  
continues  
still in the  
interest of  
France.

In compliance with the repeated recommendations of parliament, and the most earnest wishes of his people, the king amused them with a prospect of peace with Holland; but the tardiness of his measures and negociations for that purpose, and his obsequiousness to the court of France, tended the more to inflame the jealousy and exhaust the patience of the nation. When, at last, to the remonstrances of parliament, the threats of Spain were added, Charles was constrained to conclude the peace; but he did not discontinue his friendship and connection with France. His intimation of the peace to the French ambassador, was accompanied with an offer of his mediation between France and Holland, a trust which he well knew how to employ to the advantage of the former. He secretly bound himself to consent to no treaty with the confederates, without the participation of France. He informed Lewis of the intelligence he had received from his nephew, and expressed satisfaction upon hearing of the ill success of Holland; because he hoped it would compel her to submit to any terms France should please to dictate. He still permitted the English troops, to the amount of some thousands, to continue in the service of the French king, and furnished him with warlike stores\*. Charles had reason, however, to apprehend, that these measures could not escape the suspicion of the nation, and the animadversion of parliament; and that the latter, after having succeeded in accomplishing peace with Holland, would pursue their victory, by pressing him to take an active part in the alliance against France. To discontinue the meeting of parliament, which would no longer acquiesce in the

\* Dalrymple, Ap. 108, 109. Secret History of Europe, vol. i. p. 153. Coke, p. 84.

neutrality of England, was an object no less important to the interest of Lewis, than it was agreeable to the inclination of Charles. A new money treaty, therefore, was carried on and completed between Lewis and Charles, to enable the latter to subsist during the long suspension of parliament'. CHAP. II.  
1675-6.  
Enters into a new money treaty with Lewis, Sept. 1674- who endeavours to obtain a separate with Holland.

From the period that Charles withdrew from open hostilities against Holland, now strengthened by alliances with Spain and the Emperor, Lewis employed all the force of artifice and intrigue, to obtain a separate peace with Holland, as the only means of keeping the unjust acquisitions he had made in Flanders<sup>1</sup>. The influence of the Louvestein faction, which he had now recovered, a growing jealousy of the power of the Stadtholder, and the inconveniencies the commerce of Holland sustained by the continuance of the war, must probably have secured the object Lewis so eagerly desired, had it not been obstructed by the animated and well-conducted opposition of the prince of Orange. By cementing the jarring factions of the States, and withstanding the force of superior arms, he had, in the course of the war, exhibited examples of political sagacity and military skill, beyond his years, and which surpassed the most sanguine expectations of his country<sup>2</sup>. While the applause justly due to his talents and success obtained a decided sway in the councils of the States, a principle of firm and disinterested patriotism

Patriotism of the Prince of Orange.

<sup>1</sup> Test. Polit. Colbert. p. 296. By this treaty, Charles agreed either to prorogue his parliament till April 1675, in consideration of 500,000 crowns; or if he convened it in November, to dissolve it, in case it should refuse to give money; for which service he was to receive a pension of 100,000 pounds from France. Dalrymple, Ap. p. 98. 102.

<sup>2</sup> Test. Polit. Colbert, d'Avaux Negotiations, vol. i.

<sup>4</sup> Temple, vol. i. Life of William, vol. i.

## THE HISTORY OF

**CHAP. II.** made him with disdain reject the alluring baits of profit and ambition, thrown out by Lewis and Charles in order to detach him from the interest of the allies. He was promised a full indemnification for all his claims upon Spain, which would have rendered his private fortune independent and ample : his ambition was assailed by an offer of the sovereignty of the United Provinces, under the joint protection of England and France<sup>5</sup>. Immoveably fixed in the resolution of standing or falling with his country, he spurned at any scheme of private emolument or dignity, fastened to conditions debasing to her honour, and fatal to her liberty and independence. Though he had met with personal injuries from the king of Spain, who evaded and delayed the payment of very considerable sums due to his family<sup>6</sup> ; he did not relax his vigilance in guarding and defending her interests, interwoven with those of Holland. And though, at one period, the immense military preparations of France, the impression of her intrigues, which began to shake the union of the States, and the unnatural coldness of his uncle, presented to him the desperate situation of his affairs, he maintained the same undaunted magnanimity, and derived hope from the justice of his cause, and the consciousness of that capacity and fortitude with which he was able and determined to adhere to it. When Charles, after representing the inevitable ruin of his country, as the consequence of his obstinacy, in rejecting a peace with France, asked him, what he would do when that should happen ; “ I am determined,” said he, “ to die in the last ditch<sup>7</sup>.”

<sup>5</sup> Ibid. Kennet, vol. iii. p. 311.—Vie de Guillaume.

<sup>6</sup> Letters d'Estrade.

<sup>7</sup> Temple, Kennet.

During

During the long interval of parliament, by repeated adjournments, in conformity to the king's engagements with France, the court did not neglect to cultivate and extend its parliamentary influence; a certain evidence, that the desperate resolution for discontinuing parliaments was not yet adopted, and that a meeting of that assembly was considered as an event that could not be postponed to a distant period. Whenever any vacancy happened, the influence of the court was in motion, and great success attended its endeavours to procure the election of such members as were well affected to the person of the king, or whose indigence and venality prepared them to become an easy prey to the allurements of corruption<sup>3</sup>. And, when the impatience of the nation, and the exigency of the crown, rendered the delay of a session no longer safe nor convenient, great sums of money were distributed, to retain a majority of the members of the house of commons in this interest<sup>4</sup>.

CHAP.

II.

1677.

The court  
attentive  
to the elec-  
tions.

In the beginning of the sixteenth session of this parliament, the influence of the court prevailed. A supply of five hundred and eighty thousand pounds was voted, for the purpose of augmenting the navy<sup>5</sup>. No expressions of resentment announced a sense of the indignity which parliament had sustained, by a long interruption of its func-

Parlia-

ment

meets.

15th Feb.

<sup>3</sup> Reresby, Dalrymple, Ap.

<sup>4</sup> The continued influence of corruption was necessary to retain the services of men, who were unacquainted with any restraint derived from principles of honour or dignity of station. A public table was furnished for them, at the expence of the court, during the session of parliament. It is even asserted, that their clothes, and other necessary expences for their persons, were defrayed from the king's purse. This anecdote, however, is related by a person whose asperity against the court diminishes the credit due to his authority. Marvel. Burnet, 1675.

<sup>5</sup> Journ. Commons, 21st February.

## CHAP.

## II.

1677.

tions and utility, and by the obstinacy of the court, in still adhering, though under disguise, to those connections which were so odious and alarming to the nation. A question of constitutional importance was introduced into the house of lords; namely, Whether the parliament was not legally dissolved by the statute of Edward the third, which enacted, that a parliament should be held, every year, once, and oftner if need be? But the issue of this question, and the fate of its abettors, rather tended to augment the authority of the court; to diffuse a terror of its resentment; and to depress the hopes of opposition. The motion was negatived without a division, and the few supporters of it, upon refusing to recant their speeches, and to ask pardon, were committed to the Tower, there to continue during the king's pleasure.

This temporary triumph of the court was not, however, sufficient to extinguish the courage of opposition, re-animated by the state of foreign affairs, and by the consternation and anxiety which, more and more on that account, agitated the people. Every new conquest achieved by the arms of France began now to be considered as a progressive step towards the establishment of popery and arbitrary power in England. Alarmed

“ Lords’ Debates, vol. i. p. 187. The king had prorogued the parliament, from the 22d November 1675, to the 15th February 1677. This was the longest prorogation, but not the longest interval of parliament, that happened in this reign.

The argument for its dissolution turned entirely upon the pointing and construction of the words of the statute of Edward. The one party contended, that the statute provided for a parliament once a year, absolutely and unconditionally: the other insisted, that the obligation of the king to assemble a parliament, depended upon the condition of the nation; and that *once*, as well as *often*, referred to the clause, *if need be*.



C H A P.  
II.

1677.

addresses  
the king  
to form  
alliances  
against  
France.

and indignant, the nation could no longer submit to a neutrality, in the contest carried on between France and the confederate powers. In compliance with these sentiments of the nation, addresses of the commons were, repeatedly, presented to the king, praying him to enter into alliances against France, and promising to assist him with supplies necessary for that end<sup>12</sup>. This subject, at last, engrossed the whole attention of parliament, and produced, after successive adjournments, through the remainder of this session, altercations between the court and the country party, which retarded the dispatch of public business, and sharpened political animosities. Had the king openly avowed his purpose of remaining pacific, he must of necessity have foregone all hope of the approbation of his subjects, and every claim upon the generosity of their representatives. He professed the most cordial inclination to indulge the sentiments of the nation; but insisted upon a liberal supply, as a preliminary condition of his entering into the war, and forming engagements with the confederates. The commons, distrustful of his promises, recommended to him, first, to complete his alliances with the emperor and with Holland; and pledged themselves to grant supplies, liberal and adequate to the expenditure which these would occasion; and, as an earnest of their future generosity, they voted a small supply<sup>13</sup>. The king complained, that his prerogative was invaded by the dictatorial language of the commons, in prescribing what measures he ought to pursue with respect to peace and war; and, in expression of his resentment, adjourned the parliament, from time to time, till

Alterca-  
tion be-  
tween the  
king and  
the com-  
mons.16th  
A. r.<sup>12</sup> Journ. Commons, March, April, passim.<sup>13</sup> Journ. Commons, March, April, May, passim. Grey's Debates, vol. iv.

CHAP. the twenty-eighth of January one thousand six  
 II hundred and seventy eight.

1677.

Marriage  
of the  
prince of  
Orange to  
the lady  
Mary.

4th Nov.

This interval is rendered particularly memorable, by an event which deeply affected the state of politics and parties, and produced the most important consequences to the constitution and future prosperity of England. When the ferment of the nation had arisen to the highest pitch, and disquietude and alarm distracted the mind of the king, the prince of Orange arrived in England, to solicit his uncle to accede to the alliances which he had formed, and to pay his addresses to lady Mary. The anxious expectation of all parties in England awaited the resolutions of Charles. The earl of Danby, true and constant in his friendship to the prince, embraced the favourable circumstances of this juncture, to urge the advantages which would arise from forming a nearer alliance with him, as the most likely expedient to restore the good temper of the nation, and to procure tranquillity to the king<sup>14</sup>. Impressed with the view of these advantages, the king suddenly adopted the resolution of giving his niece in marriage to the prince of Orange; and it is probable, at the same time, that he flattered himself with the view of rendering this connection subservient to his engagements with France<sup>15</sup>. Whatever the intentions

<sup>14</sup> Danby's Memoirs.

<sup>15</sup> There are the following reasons for believing, that Charles did not mean to hurt the interests of France by consenting to this marriage. After the adjournment of parliament, he was as eager as ever to persuade his nephew to consent to a separate peace with France. He solicited, and obtained, an augmentation of his own pension from that kingdom. He might naturally expect to make his nephew more dependant in consequence of this marriage, and obtain, from his sense of interest and gratitude, what he could not bring him to consent to by importunity, threats, or promises.

tions of Charles, or his minister, might be, this measure was productive of effects, in the first instance, the reverse of what it seemed naturally calculated to produce. Although this connection gave general satisfaction to the people of England, yet, by the refined intrigues and negociations of France, it was really made the instrument of diverting, for a time, the odium of the English nation, from herself, and of inflaming a jealousy of the conduct of the king, by substituting an object of near and more affecting danger. The daring ambition and extended dominion of France, gall-  
 ing to the people of England, on account of the hereditary rivalship and animosity, which subsisted between the two nations, became still more grievous and alarming, when considered as preparing the way for the introduction of arbitrary government, and the establishment of the Roman catholic religion. The obstinacy of the king, in cultivating and retaining his alliance with France, so repugnant to the sentiments of his people, and the remonstrances of his parliament, laid a just foundation for those suspicions, which have been amply confirmed by vouchers lately brought to light. It was almost unavoidable to conclude, that he de-

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made the  
occasion  
of exciting  
jealousies  
in Eng-  
land

promises. He first endeavoured to make conditions with the prince; but, finding him untractable, trusted to the operations of these motives. Temple, vol. i. Dalrymple's Appendix, p. 128.

Whatever the views of Charles were, it is certain, that Lewis expressed surprise and indignation when he received the news of the prince of Orange's marriage, and intimated his displeasure against Charles, by withholding the pension he had promised. Charles, offended at the unexpected anger and neglect of Lewis, recalled his proclamation for the adjournment of his parliament till April 4, 1678, according to his stipulation by the secret treaty, and summoned it to meet 28th January 1678; and, in order to regain its confidence, he entered into a league, offensive and defensive, with the States of Holland, 16th January 1678. Ibid.

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rived immediate supplies from the liberality of France, and that he had ground to expect the aid, both of money and of arms, to establish the independence of the crown, and to confirm its usurpations upon the privileges of his subjects. The accepting of money from France, was more dishonourable to the character of the prince, than it was hurtful to the interest of the nation; but his plan of independence upon parliament, involved the destruction of all that was sacred and dear; and roused the keen indignation and unremitted vigilance of every patriot. From whatever quarter it proceeded, or by whomsoever abetted, arbitrary government was equally the object of abhorrence. Every prejudice was to be sacrificed, every animosity suspended, every aid embraced, in order to prevent the growth of arbitrary power---the consummation of national misery. From principles so plausible, and arguments so popular, the ingenuity of French agents could be at no loss to extract materials well fitted to work upon the passions of the English nation, and to soften, or turn into a new channel, that jealousy, which threatened to obstruct the career of their victories upon the continent. The marriage of the prince of Orange, it was now insinuated, must utterly cut off all hope, from the patriotic party, of deriving protection or support from his talents, in defence of their violated laws and tottering constitution. Gratitude for the honour he had received, and dependence on future favours, would unavoidably bend him into a compliance with the desires of his uncle and father-in-law, while his reversionary expectations upon the throne of England would captivate his ambition, and dispose him to connive at every effort calculated to extend that power, which might, one day, descend into his own hands.

hands'<sup>6</sup>. The same engine of policy was employ- CHAP.  
 ed to undermine the confidence which the prince II.  
 hitherto enjoyed in the states of Holland, and to <sup>1677.</sup>  
 weaken his influence in the direction of their coun- and in  
 sels. What had they to expect, but that the in- Holland.  
 fluence of Charles and James, of whose ill-will  
 they had so many proofs, would be exerted to give  
 every aid to advance the power and prerogative of  
 their relation, at the expence of the immunities  
 and privileges of the States? A recent event was  
 improved to give colour to these insinuations and  
 suspicions. The State of Guelderland had made  
 a tender of the sovereignty of their province to the  
 prince of Orange, which, it appeared, his pru-  
 dence, rather than his moderation, had induced  
 him to decline. He did not instantly reject this  
 offer; he sounded the sentiments of the rest of the  
 provinces; he found them against the measure;  
 and had, therefore, waved the acceptance of a  
 dignity, which, without their concurrence, must  
 have been extremely mutilated and precari-  
 ous'<sup>7</sup>.

The effects of these intrigues of France, and the  
 strain of argument with which they were artfully  
 glossed, were now manifest, both in Holland and  
 in England. In the former, the dread of distant  
 danger, from the ambition of France, yielded to  
 the domestic jealousy of the talents and aspiring  
 temper of the prince of Orange. His interest be-  
 gan to sink apace; that of the Louvestein faction  
 to ascend; and the project of a separate peace  
 with France, without regard to the confederates,  
 was every day gaining profelytes'<sup>8</sup>. In England,  
 the views of France, though in a clandestine man-

<sup>6</sup> Dalrymple, Ap. p. 128. 142.

<sup>7</sup> Nevile, T. 4. Life of William.

<sup>8</sup> Nevile. Life of William.

CHAP. <sup>II.</sup> <sup>1677.</sup> ner, were no less effectually promoted. Persons of high rank and reputation began to hold intercourse with the French agents, and to concert measures for preventing the war, which they, and the party in opposition, with whom they were connected, had hitherto urged with fervour and importunity. The danger of arbitrary power, imminent and formidable, absorbed every other passion, and sanctified, in their eyes, every mean or expedient by which it could be averted. That the assistance of France might be successfully employed to this purpose, was an opinion, not weakly or corruptly adopted in consequence of the sedulous application and specious sophistry of her agents, or the influence of her money profusely dispersed among the members of parliament, but founded upon the conviction of a real, though very unexpected and extraordinary coalition of interests and designs. To prevent the increase of the military power of England, was an object of such magnitude in the eyes of Lewis and the English patriots, that all their private animosities vanished before it. The latter were afraid, that a standing army, if once established in England, would be employed to overturn their liberties, and to fix the roots of exorbitant prerogative. The French king was afraid, that the current of national opinion would overpower the private inclination of Charles, and finally direct the operations of that army, in conjunction with the confederates, to reduce his conquests in Flanders. The dissolution of the parliament of England was an object of equal solicitude to Lewis and to the English patriots. To the former it was obnoxious, because it had set itself in determined opposition to his projects; and, not satisfied with having torn their monarch from his interest, the commons now wanted to compel him to take an active part in overturning that power,

The agents of Lewis, and the leaders of opposition, unite in the same views

of disbanding the army,

and dissolving the parliament.

power, which he had formerly laboured to enlarge. By the patriots the dissolution of parliament was eagerly pursued; because, though their influence had increased in the late session, yet there still remained in the house of commons such a stock of their original loyalty, as rendered it difficult to fix a majority of members in opposition to the interest of the court. An hatred to lord Danby, which, for reasons already mentioned, actuated both Lewis and the leading members of opposition, also formed an illiberal, but nevertheless a powerful, bond of union between them; and employed their combined efforts to accomplish his disgrace, by whatever means it could be obtained<sup>19</sup>.

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But though these motives of union between France and the patriotic party were manifest and forcible, yet the latter were extremely diffident about the friendship of the former; and the advantages they expected from it, were partial and restricted. They were well pleased to find that France was jealous of the conduct of Charles; and that she was persuaded, that it was not her interest that he should become master of the liberties of his people. They therefore consented to act in concert with her, for the obstruction of that event: Union between But it was only in an indirect and concealed manner, and in a limited degree, that the leaders of the popular party could undertake to concur with the views of France. To have coincided openly or avowedly with her schemes, or even to have used expressions of amity and peace in any one instance whatever where her interests were at stake, would have been such an offence to the strongest prejudices of the nation, and such a glaring contradiction to their own avowed sentiments, as must

Lewis and  
the popular party  
unnatural  
and constrained.

<sup>19</sup> Dalrymple. Ap. p. 129. Memoire de Barillon, p. 131.

utterly

CHAP. II. utterly have extinguished their credit for integrity and patriotism. Nay, they durst not even engage directly, to oppose the granting of money to the king, for defraying the expences of a war with France, lest they should incur the charge of inconsistency, or the more infamous reproach of favouring her interests. They proposed therefore to clog the supplies with clauses injurious to the prerogative; to annex disagreeable conditions to them; to do every thing to give the court vexation; which they represented to the French agents, as the most effectual method of throwing the king again into the arms of Lewis<sup>20</sup>. So sensible were the leaders of the country party of the odium of encountering, and the impossibility of overcoming, the national antipathy to France, that they promised to cover their designs of serving her, with every external appearance of hostility; and even to join in importuning the king to the declaration of war against her<sup>21</sup>. Nor does it appear

<sup>20</sup> Dalrymple, Ap. p. 129. Memoire de Barillon, p. 131.

<sup>21</sup> Barillon writes to Lewis, 11th April 1678, that in order to prevent great supplies of men and money being sent from England into Flanders in support of the confederates, the leaders of the popular party had represented, that it would be necessary to press king Charles to declare war against France, before the parliament granted the supplies; and they proposed that the French king should insist upon having an answer from Charles, whether he actually intended to declare war against him or not. They endeavoured to persuade the French ambassador, that this could have no pernicious effect with regard to the interest of France, nor be the occasion of Charles entering into war with her, unless he was already resolved to do it. Dal. Ap. p. 136.

From this information it appears, that the popular leaders still entertained some suspicion that Lewis and Charles acted in concert. By this demand they put the sincerity of the former, in courting a connection with them, to the test. They wanted not only to be satisfied themselves that Lewis was sincere; but they required such evidence of this as might satisfy their friends, when they came to discover to them this mysterious union. The great object of the popular leaders, was to prevent supplies from being given



appear that the French agents formed very high CHAP. expectations from the engagements of the leaders II. of the popular faction : on the contrary, they expressed themselves with great diffidence and uncertainty when they mentioned this connection, and represented it as unexpected and mysterious : nor was it long before they changed their political system, and entered again into a treaty, with Charles, as constituting a basis of concord, more natural, and more likely to endure and to answer their expectations, than the casual, transient, and constrained friendship of her political enemies<sup>22</sup>. As this description of the motives and sentiments

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given to an army, which, upon whatever pretext it had been raised, might one day be employed to change the form of government, and annihilate the existence of parliament. They knew well, that Charles was extremely reluctant to enter into a war with France ; and that he would embrace every pretext to delay or evade it. The withholding of the supplies would afford him that pretext : and for this they engaged. Thus far they acted in concert with France ; but in perfect consistency with their own views of the interest of England.

<sup>22</sup> By this treaty, (27th May 1678,) Charles engages to remain in perfect neutrality, in case proposals for peace offered at Nimeguen, should not be accepted before two months expired ; and to recal the troops he had sent into Flanders. By a separate article, the French king becomes bound, to pay Charles six millions of livres tournois, upon the express condition, that the king of England should not only recal his troops from Flanders, but that those troops should be disbanded, as soon as they should arrive in his dominions ; and also, that he should prorogue his parliament for four months at least, to be computed from the expiration of two months, within which time proposals for peace were to be accepted. Dal. Ap. p. 162, 163, 164.

This last condition shews us the limitations and reserve, with which the leaders of opposition had entered into engagements with France : and how little of her confidence they had acquired, since she esteemed the suspension of parliament, a better security for her interest, than their influence and engagements. A few months after this, Charles projected another treaty with France, by which he was to assist the Swedes with a fleet, to recover the places taken by the duke of Brandenburg. Ibid. 178.

**C H A P.** of the French agents, is founded upon the memorials and letters which refer to their correspondence; so it is perfectly agreeable to the measures of parliament, coincident with the period of their correspondence, and pursued at the instigation of the popular party. It is indeed curious to observe, how much the memorials and other vouchers of this correspondence between the French agents and the popular leaders, and the engagements entered into by the latter, contribute to develop the causes of political events, which formerly appeared dark and inscrutable; to reconcile measures seemingly inconsistent, and to restore unity of design and steadiness of principle to characters, which, upon imperfect information, wear the resemblance of versatility and corruption.

Parliament meets, 28th January 1678.

31st January.

4th May.

18th and 23d Feb. Express distrust of the king 29th April.

After many adjournments, the sixteenth session of this parliament was continued for the dispatch of business. The alliance with the States, the forwardness of naval preparations, and the marriage of his niece to the prince of Orange, furnished his majesty with popular subjects for addressing the parliament, and plausible arguments for soliciting supply. Though the commons presented an address of thanks to the king, for having married his niece to the prince of Orange, yet they omitted to mention his alliance with the States, thereby reserving it for future censure, as inadequate for restraining the power of France, and securing the protestant religion. They voted a supply of one million, for enabling his majesty to enter into actual war against the French king; but, in every subsequent debate relative to the means of raising it, discovered the utmost jealousy of the king's sincerity, and at last came to the resolution not to trust him with money, till satisfaction was given in matters of religion<sup>2 3</sup>. They

<sup>2</sup> Grey's Debates, vol. v. p. 282,

entered into the state of the nation; revived the apprehensions of the danger of popery; and drew up reasons to be urged to the lords, in a conference, for persuading them to co-operate in seeking some effectual remedy against this growing evil. They addressed the king a second time, complaining of the pernicious effects of his delay in not answering their former address; and praying him to remove evil counsellors. His majesty complained of this address to the lords, and, offended with the disrespectful behaviour of the commons, prorogued the parliament. CHAP. II.  
1678.  
7th May.  
Prorogued 13th May.

Nothing could be more embarrassing than the situation in which the king now found himself involved, by that distrust and jealousy which his former attachment to France, and his undecided conduct had excited. To whatever quarter he turned his eyes, difficulties started before him, and upon whatever resolution he fixed, he must lay his account with censure and reproach. He had augmented his navy and army: he had sent the duke of Monmouth with a body of troops into the Netherlands; and made every preparation, as far as the supplies granted would extend, to enter into war with France. Should he now discontinue warlike preparations, it would be admitted as an unquestionable evidence of his dissimulation, and of his inflexible adherence to Lewis. While, on the other hand, the continuance of his preparations, and the augmentation of his forces, kept alive the jealousy of a great part of the nation; and, by bringing an additional incumbrance upon his revenue, increased his dependence upon parliament. The pressure of this dilemma he attempted to transfer to parliament, which, after a prorogation of ten days, met for the seventeenth session. The king declared his resolution to save Flanders, either by peace or war, as circumstances should direct; Embar-  
rassment  
of the  
king.  
Session of  
parlia-  
ment.

**CHAP.** direct: That, in either view, it was necessary to  
 II. keep up a strong force by sea and land; but, as  
 1678. that depended upon the supplies, he left it to their  
 choice, to provide for the maintaining, or the dis-  
 banding, of the army.

III. hu-  
 mour of  
 the com-  
 mons.

The commons not only shifted the difficulty from themselves, but, with great address, retorted it upon the king; by resolving, that, if he entered into a war with France, they would support and assist him; but that, if he declined to do it, they would then provide for the speedy disbanding of the army<sup>24</sup>. As if sincerely desirous to return to a good understanding with the commons, the king imparted the state of his negociations with such an air of candour, as seemed calculated to remove all distrust of his sincerity and designs. He informed them, that there was a near prospect of peace with France, but that he did not think it prudent to dismiss either the fleet or army, before  
 28th May. it was concluded. The only return which the commons made to this message, was a vote, that all the forces raised from the twenty-ninth of September one thousand six hundred and seventy-seven, should be forthwith paid off and disbanded; and that the sum of two hundred thousand pounds should be raised by monthly assessments for that purpose. They voted a supply of four hundred thousand pounds for extraordinary charges of the navy and ordnance; for paying the princess of Orange's portion; and for the repayment of two hundred thousand pounds, borrowed upon the  
 6th and 20th June. credit of additional excise; but they precluded all hope of farther aid, and answered his majesty's urgent and repeated importunities, by a resolution that the people should be charged with no more money during that session of parliament.

21st June.

<sup>24</sup> Journ. Commons, 25th and 27th May.

The measures now recited, urged by opposition, and adopted by the commons, in the three preceding sessions of parliament, convey no favourable idea of their principles and temper; and were we to judge between the court and them, merely from those evidences which are comprehended within the circle of parliamentary proceedings, though we might not acquit the former of the charge of duplicity, yet a considerable portion of censure would certainly be assigned to the latter. A spirit of faction appeared, in wrangling and debating about every question, however trifling, wherein disrespect could be shown to their sovereign, or disapprobation of his measures expressed. When we take into account preceding and concurring circumstances, the inflexibility of the king, in the prosecution of measures, no less pernicious to the interests, than contrary to the inclinations, of his people: When we consider the distrust of his parliament, at the period of their fervent loyalty; the frequent and long discontinuance of their counsels; and above all, when we discover, that even, while holding out the fairest language, and affecting an anxiety to gratify the wishes of his people, he was privately occupied in renewing his alliance with France, and devoting himself to her interests; every expression of disrespect, upon the part of the commons, every scheme of bridling his power and thwarting his will, appear no more than merited resentment. and a necessary defence against the enormous treachery of his conduct.

Emboldened by the secret assurance of the neutrality of England, the French agents contrived refined distinctions, to evade the conditions which they had already admitted as the basis of a general peace. They had promised to deliver up the frontier towns which had been taken in Flanders, belonging

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1678.

Apology  
for them.

## CHAP.

## II.

1678.

Sir William Temple sent to enter into an alliance with the States,

which is over-  
turned by  
the wavering of  
Charles.

belonging to the crown of Spain; but, having specified no time for the fulfilling of this, they now avowed their intentions of retaining these towns, till satisfaction should be made to their ally, the king of Sweden, for the territory he had lost during the war<sup>25</sup>. The indignation raised by this event was so high and general, that, in order to maintain the shadow of sincerity, Charles was under the necessity of assuming a menacing tone; and of putting himself into an hostile posture. He sent sir William Temple into Holland, to make a new treaty with the States. His ambassador accomplished his business with dispatch and success, suitable to the alacrity and ardour with which he entered upon it. He concluded an alliance, offensive and defensive, with the States; by which the king of England became engaged to make war with France, if she did not deliver up the towns in question before the expiration of two months<sup>26</sup>. It does not appear, however, to have been the serious intention of Charles to proceed to a war when that period should arrive, as is evident, from his anxiety to avert the crisis of putting his fidelity and honour to the test. Within a few days of the expiration of the period allowed the French king for complying with his demand, a messenger was dispatched to sir William Temple, commanding him to use entreaties with the Swedish ambassador, to consent to the evacuation of the towns in Flanders; and promising, after the peace, to use effectual measures for recovering certain towns, which the king of Sweden had lost in Germany<sup>27</sup>. The well known character of De Cros, the messenger dispatched upon this business from England, who

<sup>25</sup> Temple, vol. i. p. 365.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

was an agent for Sweden, and a tool of the French ambassador Barillon, his officiousness in publishing his errand wherever he passed, and insinuating that this measure had been taken in concert with France, entirely overfet the hopes raised in the States by sir William Temple's embassy, and constrained them to hasten a separate peace with France, the very snare in which Lewis had prepared to entangle them. Though Charles had every reason to expect this event, and certainly wished to bring it about, he counterfeited the utmost surprise and indignation; immediately dispatched Mr. Hyde, to persuade the States to refuse the ratification of the treaty signed by their ambassador; and to assure them of his entering into the war with heart and vigour.

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1678.

The  
States  
make  
peace with  
France.

The whole conduct of Charles with respect to the peace of Nimiguen, appears so wavering, capricious, and weak, that it is no wonder if we are at a loss to account for the true motives from which it proceeded; or to determine how far, and at what time, he was sincere, and really meant what he spoke and declared. There can be no doubt, but that the prevailing bent of Charles's affection inclined him to favour the interest of France, and the depravity of his political system made him believe, that a connection with her was most propitious to his independence and power. This object, therefore, he ever kept in view, and pursued, through the greatest part of his reign, with more constancy and diligence than he discovered on any other occasion. Timidity was a strong ingredient in the temper of Charles, and prevented him from performing some of those engagements to which he had bound himself by his alliance with France: he was dilatory and evasive, about declaring himself a Roman catholic, one of the conditions of his first secret treaty: he yielded

Observations upon the conduct of Charles.

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to the impatience of the nation, by the calling of meetings of parliament, upon different occasions, after he had engaged to suspend them : he disappointed France, by suddenly making peace with Holland, after the second Dutch war : he still more grievously offended her, by giving his niece in marriage to the prince of Orange. If ever Charles failed in his engagements to France, it did not arise from want of attachment, but from fear, and the love of ease, which occasionally predominated, and defeated the impulse of his strongest prejudices. The experience the French king had of Charles's fluctuating conduct, excited a distrust of his fidelity in fulfilling the conditions of the later treaties into which they entered. As the gratification of ambition was the sole object of all the political measures of Lewis, he did not scruple at the means subservient to this end, whatever they were ; and therefore, occasionally, tampered with the party in opposition in England ; a species of conduct, which expressed contempt and ingratitude towards Charles. The insidious construction which the French agents put upon the marriage of the lady Mary, as if it had been intended as the instrument of arbitrary power in England, and the close correspondence they held at that time with the party in opposition, may well be supposed to have excited a transient indignation in the breast of Charles. But there was nothing that seemed more to have rankled in his mind, than a peremptory and insolent requisition of the French king, that the army of England should not exceed eight thousand men. In whatever light he considered this demand, it was mortifying to him. How ungrateful in Lewis, to call in question the sincerity of the attachment, which he had maintained so long, and to which he had sacrificed so much ? How humiliating, to insinuate that his power was

so



so low, that he could not be the master of his own army? It is not surprising, that, under these impressions, Charles expressed indignation, which had every appearance of sincere enmity, and determined resentment against France. Sir William Temple acknowledges, that he himself was deceived by appearances; and certainly expected, that his master was to stand to the consequences of the instructions, with which he was charged in his second embassy to the States<sup>23</sup>. In the mediation of peace, Charles was certainly sincere. The embarrassments of his revenue, altercations with his parliament, the failure of every expectation of raising his power by the aid of the French king, who had humbled him by the proposal of reducing his army, rendered him sincerely desirous that a general peace should take place. So far as threats could contribute to that end, he was willing to go: but, certainly he did not mean to advance farther, or really to enter into a war<sup>29</sup>.

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In

<sup>23</sup> Temple's Memoirs, vol. iv p. 566.

<sup>29</sup> It was generally believed that the message of De Cros was contrived in concert with the French ambassador, and that the effect of it was just what was intended and desired. It contradicted the instructions of Sir William Temple, overthrew his authority, drove the States into despair, and made them rush, with imprudent celerity, into a separate peace. Dalrymple, Ap. p. 180. Reresby, p. 66.

The indignation expressed by Charles upon the news of this peace, and the vehemence with which he intreated the States to evade the confirmation of it, seemed to furnish an argument in refutation of what is above asserted, and in support of the opinion that Charles was sincere in the resolution of entering into a war with France. He was at that time, if ever in his life, sincere, and meant what he declared; but let it be observed, that an event, posterior to the date of Sir William Temple's embassy and the dispatch of De Cros, inspired that sincerity. The rumour of a popish plot had gone abroad; it gained easy belief, and spread universal horror. Though the king did not believe the plot, he was no less alarmed with the prospect of the internal combustion that the popular belief of it was likely to produce. To avert this,

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In the last session of this parliament, we behold opposition successful and triumphant, not only in over-ruling public measures against the influence and wishes of the court, but in gratifying private pique and resentment; and overturning the power of the minister, against whom they had, in vain, directed their most violent attacks in the preceding sessions.

Lord  
Danby im-  
peached.

The gratification of party resentment, in the ruin of lord Danby was accomplished by base artifice, and furnishes an objection to the integrity and honour, rather than any evidence of the weakness and credulity of those who conducted it. It has been already observed, that lord Danby was, in heart and principle, a violent adversary to the interest of France, and that he opposed the king's propensity to French alliances, as far as was compatible with his remaining in office. Fully sensible of this, the French king, in his turn, hated that minister; and instructed his agents in England to use every effort, in concert with the popular party, to bring about his disgrace. Montague, the English ambassador at Paris, who received the instructions which Danby reluctantly communicated, concerning the favourable inclinations of his master towards France, entered, with cordiality, into the interests of the French court, devoted himself to her service, and became her pensioner<sup>30</sup>. Finding that Lord Danby, who, probably, esteemed him the less upon that account, was unwilling to second his views of preferment in England, he fomented the prejudices of the French king

this, he embraced the earliest opportunity which the state of political affairs suggested, of engaging the passions of the people, and of transferring to a foreign object that enthusiasm and phrenzy, which he foresaw that nothing but blood and destruction could appease.

<sup>30</sup> Dalrymple, Ap. p. 192. Reresby, p. 77.

against

against that nobleman. He came over to England without the permission of the court, and, in prosecution of his resentment and engagements, entered into a close connection with the popular party, and disclosed to them the secret of Danby's correspondence with France. Two letters, which lord Danby had written to Montague upon the subject of the French alliance, were produced in the house of commons. The odium of the crime alleged, and its coincidence with the detection of the popish plot, excited the indignation of many who were untainted with the prejudices of party, superseded evidence, and prevented that fair distribution of guilt, which must have resulted from a calm and accurate investigation of facts. It was not admitted, as any extenuation of Danby's crime, that the letters carried marks of his disapprobation; for the king's subscription was annexed to them, importing that they were written by his order and authority. The evidences of the voluntary and more aggravated guilt of Montague, as if he had made atonement for it by treachery, were not allowed to be brought forward. Matter of impeachment was voted against the minister; articles were founded upon it, and carried up to the house of lords<sup>1</sup>.

The fate of lord Danby stands upon record as a warning to ministers, to resign their power and responsibility the moment they are called upon, to act against their own conviction, and to aid and abet those measures, which their judgment and heart condemn. The true source of his disgrace was not his services, but his opposition to France; but this misfortune, however unmerited and capricious, he never could have incurred, if he had resigned his power upon the call of principle, and

<sup>1</sup> Jour. Commons, 19th, 21st, 23d December.

CHAP. been content to tread in the humble path of privacy and retirement.

II.

1678.  
Dissolu-  
tion

The last measure, pursued by the advice of lord Danby, was the dissolution of parliament. He had every thing to dread from its violence. The dissolution of parliament, an object long and vehemently desired by the popular leaders, was purchased by them with a promise to sacrifice their private resentment, and to drop all further prosecution of the minister, provided he retired from office and from power<sup>12</sup>. The king himself began to tremble at the apprehension of those discoveries, which a keen investigation of the evidence against his minister must necessarily bring to light; and, lest the dissolution of parliament should not be sufficient to prevent it, he privately granted him a pardon, in bar of a future impeachment<sup>13</sup>. The second parliament of Charles, which had now completed its eighteenth session, was prorogued to the thirtieth of December one thousand six hundred and seventy-eight, and dissolved the twenty-fourth of January one thousand six hundred and seventy-nine.

and character of the second parliament of Charles.

In reviewing the history of this parliament, we are naturally struck with the singular contrast of sentiments and temper, which characterise its commencement and conclusion. Though the lapse of time, and the succession of members, may, in some measure, account for alterations in their political sentiments, yet these could neither have been so remarkable, nor productive of such violent effects, without the concurrence of various events, which fill up the intermediate period. As the house of commons was elected during the heat and transport of national loyalty, their first steps indicate, not only a careless neglect of the most favourable opportunity for securing the privileges

<sup>12</sup> Burnet, 1678.

<sup>13</sup> Ibid. Echard, vol. iii.

of their constituents, but a criminal propensity to indulge the extension of prerogative, and to flatter the prejudices of the sovereign.

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However much we may condemn the principle from which they acted, yet we must acknowledge it to have been fortunate for the nation, that the zeal of this parliament for the established church, interfered with their enthusiasm for loyalty, and controuled the vehemence and excess of one predominant and unrivalled passion<sup>34</sup>. It was peculiarly


<sup>34</sup> The spirit of this parliament, and their zeal for the church of England, are best seen in the several acts which they had passed against the dissenters. In the first session of the second parliament, the act was repealed which excluded the bishops from sitting in parliament.

By a clause in the corporation act the solemn league and covenant was abjured, and all who did not conform to the church of England, rendered incapable of being members of corporations.

By the act of uniformity, all who did not conform to the liturgy, and government of the church of England, were deprived of their livings. This act met with great opposition in the house of lords, where many seemed inclined to shew some indulgence to tender consciences; but, in the house of commons, its progress was smooth and expeditious.

By the five mile act, no non-conformist teacher was allowed to dwell, or come within five miles of any corporation; unless he took the corporation oath, with the additional clause, that he would not endeavour to bring about any alteration in the government of church or state. The offender against this act was subjected to the penalty of forty pounds, and six months imprisonment.

By the conventicle act it was ordained, that every person, above sixteen years of age, who should be present at a assembly or conventicle, under the pretext of religious worship, in any other manner than according to the liturgy and practice of the church of England, where five persons were assembled besides the family, should pay five shillings for the first offence, and ten for the second. Every person taking upon him to teach in such conventicles, forfeited twenty pounds for the first offence, and forty for the second. Every person suffering such conventicle in his house, was subjected to a penalty of twenty pounds. For the better execution of this act, justices and constables were empowered to break open doors upon admission being refused. Lieutenants,

C H A P. II.  1678. arly fortunate, that the king pushed his first inroads upon the constitution, in that region which they guarded with the most vigilant anxiety, and in which they caught the alarm with the most acute sensibility. Indifferent with regard to the usurpations of prerogative, which affected only the civil rights of their constituents, they were roused, by the king's declaration of indulgence to the dissenters, to assume the language of the constitution, and to exercise that influence in the scale of government, which they were about to sacrifice at the shrine of monarchy. When the cause of offence was removed, the ardour of their first affection returned.

Refrained by the counsels of a prudent administration, the king did not avail himself of the obsequious temper of his parliament to promote that independence and power, which he afterwards attempted to establish, by the aid of the most unpopular of all foreign connections. Instead of that respect and confidence which the commons expected, in return for their distinguished affection and liberality to the prince, it was evident, that he admitted of their interference and advice, no farther than he found them convenient for the

tenants, officers of the militia, &c. on producing the certificate of any justice of peace, were warranted to disperse the said conventicles. A clause was added, that it was to be construed largely and beneficially for the suppression of conventicles.

Besides these evidences of the spirit of this parliament, various addresses were presented to the king, praying him to execute the laws against the dissenters. He was thanked for recalling his indulgences. Special marks of the gratitude of the commons attended every compliance of his majesty against the dissenters. The act of uniformity coincided with the gift of hearth-money; a liberal grant of four subsidies followed his majesty's revocation of his first indulgence. The improvement of the tax of hearth-money, and the repeal of the triennial act, were the rewards of the royal consent to the severe act against conventicles.

supply

supply of his wants, and the discharge of necessary business. Their affection and honour were wounded, when they suspected that their sovereign, so much cherished and beloved at home, should chuse to prostitute himself, by accepting the hire, and espousing the interests, of the natural enemies of England, rather than to rely upon the bounty of a body of his subjects, who had nothing so much at heart as the advancement of his honour, and the safety of his government. Under these impressions they began to listen to the voice and admonitions of their constituents, and for the disappointment they sustained, in not meeting with trust and gratitude from their royal master, they sought compensation from the applause due to uprightness and fidelity in the discharge of their duty. But though they began to animadvert upon the profusion of the court, and the abuses of the revenue, and to suggest plans of future œconomy, they still retained a high respect for the person of the sovereign, and manifested an earnest desire to acquire his confidence.

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A full conviction of the king's incorrigible attachment to France, reiterated attacks upon the act of uniformity, his proclaimed defiance of the resistance of the commons, by soliciting the support of the lords to maintain his second indulgence, and a well-founded dread of popery, not only weaned the commons from the idol of loyalty, but engendered distrust and jealousies, which no future concessions, on the part of the king, could extirpate.

In proportion as the members of both houses approached nearer to the dissenters, in their sentiments concerning civil government, their zeal for the peculiar tenets of their church began to abate; and they invited the dissenters to a participation in their counsels and exertions, in order

CHAP. II. der to prevent the common, impending danger of popery.

1678.

There were few republicans in this parliament, and they had been hitherto so overborn by the torrent of loyalty, that their influence was scarcely perceptible. Encouraged by the change of the national sentiments, and the falling credit of the king, they raised their heads, and infused a spirit of intrepidity and poignancy into the measures of opposition, which gave great alarm to the court.

There never was any period, in which the principles of pure and disinterested patriotism more indispensibly exacted, from all who felt their influence, a determined opposition to the court, than that of the seven last sessions of the second parliament of Charles. It was however at this period, that corruption entered, and spread with the most rapid and pestilential violence. The king found his parliament pure; but sane measures of policy required profligate arts to support them, A mercenary spirit was roused by success and expectation. If some were allured by gain to desert their party; others expected to be rewarded, for being true to those principles which they originally maintained. A great number of persons of the meanest rank, and of the most corrupt principles, introduced into this parliament, by the influence of the court, and for the purpose of supporting its basest designs.<sup>35</sup>

By these sinister means, an opposition founded upon patriotism, and vigorous at its birth, was debased, enervated, and finally disappointed of obtaining its laudable ends; a dissolution of the al-

<sup>35</sup> "In the places of members of parliament who died, great pains were taken to have some of the king's menial servants chosen; so that there was a very great number of men in all stations in the court, as well below stairs as above, who were members of the house of commons." Life of Clarendon, vol. i. p. 495.



liance with France, and such salutary limitations of prerogative, as were necessary to secure the liberty and the religion of England. The agents of the confederates supported this party; and by an appeal to the sentiments of the nation, and, perhaps, in some degree, by the use of those illicit weapons employed against them, assisted opposition to keep the field; and, if not to vanquish, yet to harass prerogative, and to prevent its established triumph.

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The plan of foreign policy, most friendly to the interest of the confederates, and most agreeable to the wishes of the people of England, had nearly prevailed against the influence of the court, when new objects of alarm arose, and gave an unexpected turn to the sentiments and exertions of the popular leaders. A large army was raised by the king, under the pretext of entering into a war in support of the allies. Distrustful of his intentions, assured of his love of arbitrary power, and strong bias to France, persons of greater discernment, who were friends to the constitution, considered the danger to which it was exposed from a standing army, as more near and formidable than that which arose from the successful ambition of Lewis in distant countries. Though France was conscious of having a strong hold upon the affections of Charles, yet she had formerly experienced that his timidity had sometimes obstructed their exertions. She was disturbed by the intimate connection which Charles had formed with the prince of Orange, at the head of the States; and if she had been secure of his affections, she had reason to fear that he would not be able to withstand the current of national opinion and antipathy; or to restrain the operations of an army, which had been raised for the avowed purpose of reducing her conquests, and

# THE HISTORY OF

## C H A P. III.

*Charles wishes to renew his Alliance with France.—Takes Measures to regain the Confidence of the Nation.—Elections.—Misunderstanding between the King and the Commons about the Choice of a Speaker.—Popish Plot.—Measures taken in consequence of the Plot—by the Commons—by the Lords.—Effects of them.—Observations on the Evidence of the Popish Plot.—Prosecution of Lord Danby.—Disputes between the two Houses on this subject.—The King alarmed by the Proceedings of the Commons.—A new Council.—The Commons proceed in the Impeachment of the Earl of Danby.—Bill of Exclusion.—Inquiries concerning the Management of the Navy and the Revenue.—Bills to retrench the Influence of the Court.—Parliament dissolved.—Charles attempts to enter into a new Treaty with the French King.—Circumstances unfavourable to the Court in the course of the Elections.—The King takes Measures to gain Popularity.—The Duke of York indicted as a Popish Recusant.—Petitions for the meeting of Parliament.—Addresses of Abhorrence.—Fourth Parliament.—The Commons censure those Members who had opposed Petitions.—Inquiry into the Misconduct of Judges.—The Bill of Exclusion passes in the House of Commons,—rejected by the Lords.—Bills, for associating his Majesty's Protestant Subjects,—for repealing the Penal Laws against Protestant Dissenters.—The Commons resolve to withhold Supplies.—Angry Votes against the Court.—The King summons a Parliament,—to meet at Oxford.—Petition against holding the Parliament at Oxford.—Parliament meets.—Bill of Exclusion.—Disagreement between the two Houses upon the Case of Fitzbarris.—Parliament dissolved.*

### C H A P. III.

1678-9.  
Charles wishes to renew his alliance with France.

**A**FTER the dissolution of his second parliament, Charles became solicitous to renew his alliance with France; and would have submitted to the most shameful conditions, to extricate himself from the embarrassments of his revenue, and the tumults of faction, which were likely to revive in all

all their vigour upon the meeting of parliament<sup>1</sup>. CHAP. III.  
Barillon amused the expectations, and protracted the suspense of Charles, by listening to his solicitations, and descending to particular articles of a treaty; while he secretly represented to his master, that the interest of the popular leaders, augmented by the terror of the nation for popery, would be of more consequence to France, than the restrained and clandestine friendship of Charles<sup>2</sup>. 1678-9.

Doubtful of the friendship, and perhaps suspicious of the treachery of France, Charles found himself under the necessity of forming his measures, with a view to conciliate the support of the popular leaders in parliament. A change of ministry took place<sup>3</sup>. The king pressed his brother to return to the external profession of the protestant religion: he entreated him to discontinue his attendance upon council, which excited a constant jealousy of his interference in the affairs of government. Unable to prevail in either of these points, he insisted upon his leaving the kingdom before the meeting of parliament<sup>4</sup>. The laws were carried into execution against Roman catholics with greater severity than what had been exercised in any former period of this reign<sup>5</sup>. Every engine of court influence was employed to model the elec-

Takes measures to regain the confidence of the nation.

<sup>1</sup> Dalrymple's Appendix, p. 207, 8, 9, &c.

<sup>2</sup> Ibid. p. 211.

<sup>3</sup> Sir Joseph Williamson, who had been sent to the Tower by the commons in the last parliament, for issuing commissions to persons disqualified by their adherence to the popish religion, was dismissed from his office of secretary of state, and the earl of Sunderland appointed to succeed him. The earl of Danby, who had fallen under the displeasure of parliament, was also dismissed from his office of lord treasurer. The earl of Essex, Laurence Hyde, sir John Earnle, sir Edward Deering, and Sydney Godolphin, were made commissioners of the treasury. Echard, vol. iii. p. 498-9.

<sup>4</sup> Life of James, 1679. Ralph, vol. i.

<sup>5</sup> Echard, vol. iii.

**C H A P.** tion of members to serve in the new parliament,  
 III. agreeably to the wishes of the king<sup>6</sup>.

1678-9. Elections. If the court was industrious upon one side, its antagonists upon the other were not less active, and proved more successful in the course of the new elections. The protestant dissenters, who had been almost entirely excluded from the house of commons in the last parliament, now exerted themselves, with the aid of many favourable circumstances, and endeavoured to recover their proportion of public influence. The adherence of the most distinguished patrons of the established religion to the interest of the duke of York, afforded the dissenters a specious pretext for representing them as deficient in that abhorrence of popery, which, in the present crisis, was essential to protect their constituents from its bloody machinations, lately brought to light by the discovery of a plot<sup>7</sup>. Candidates came under engagements to gratify the sanguinary wishes of the people, by a diligent investigation of the plot, and the zealous prosecution of its authors<sup>8</sup>.

The king opened his third parliament on the 6th of March, with a speech full of concessions and flattering promises; and expressive of his ardent desire of being united to his parliament<sup>9</sup>.

Misunder-  
standing  
between  
the king  
and the  
commons  
about the  
choice of a  
speaker.

The first proceedings in the house of commons exhibited a specimen of their temper; and portended that discord between them and the court, which never subsided during the period of their existence. Sir Edward Seymour was unanimously

<sup>6</sup> Reresby.

<sup>7</sup> Letters of the duke of York to the prince of Orange; Dalrymple, Ap. p. 218.

<sup>8</sup> Historians of the times.

<sup>9</sup> Journ. Lords, 6th March.

called upon to take the chair<sup>10</sup>. The active part CHAP.  
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1679.  
 he had taken in the prosecution of lord Danby, recommended him to the commons, and determined the king to thwart their choice<sup>11</sup>. Several days were spent in angry representations on the part of the commons, and a persevering refusal on the part of the king, to approve of the election of sir Edward Seymour. At last, the parliament was prorogued from the 13th to the 15th of March<sup>12</sup>. The commons, impatient to proceed upon more important business, dropt the dispute, by electing for their speaker William Gregory, serjeant at law; of whom the king approved<sup>13</sup>.

It soon appeared that the new parliament had imbibed the spirit of their predecessors, and that they were resolved to tread in their steps. A committee was appointed by the commons to inspect the journals of the last session of the preceding parliament, in order to agitate anew those measures which were rendered abortive by its dissolution<sup>14</sup>. They delayed paying any attention to his majesty's application for supply: they resumed, with unabated resentment, the impeachment of lord Danby. The rumour of a pardon granted him by the king, in bar of an impeachment, whetted their acrimony; and challenged them to enter the lists against the mighty power of prerogative<sup>15</sup>. But above all, the late discovery of a popish plot furnished inexhaustible materials for inflaming the jealousies of the people.

While the nation trembled for the approach of popery, a plot was discovered, which converted

<sup>10</sup> Grey's Debates, vol. vi. p. 402.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid, p. 439.

<sup>13</sup> Ibid. vol vii. p. 2.

<sup>14</sup> Journ. Commons, 19th March.

<sup>15</sup> Ibid. 20th, 22d, 24th March, and 16th April. Ralph, vol. i. p. 437.

CHAP. suspicion into conviction, and seemed to require  
 III. the most speedy and violent expedients for securing  
 1679. the existence of the protestant religion, and the  
 safety of its professors<sup>a</sup>.

Every passion in excess invades the province of the understanding, and has an immediate tendency to mislead opinion, and pervert judgment. But there occurs not, in the annals of any nation, a more striking example of the influence of terror, in supplying the most palpable deficiency of evidence, and overpowering the dictates of humanity, than the precipitancy and the violence, with which all parties in England entered into the measures we are now going to recite. An account of a plot to assassinate the king, and to introduce the Roman catholic religion, though bearing in the face of its circumstances the most improbable and contradictory, and attested by men of the most profligate character, obtained universal credit, and roused a spirit of fury and implacable vengeance against all who were suspected of favouring that religion.

<sup>a</sup> The discovery of a popish plot was communicated to the king, during the recess, before the last session of the preceding parliament. By the advice of the earl of Danby, the examination of witnesses was introduced into parliament. Journ. Com. 23d October 1678.

From the moment of information, both houses of parliament were occupied in contriving measures to discover the circumstances of the plot, and the persons concerned in it; and in forming resolutions expressive of their alarm and indignation against the Roman catholics. The effect of inspecting the Journals in this parliament, was a renewal of these measures and resolutions. Agreeably to the plan of brevity proposed in this work, I have given a continued narrative of the most important measures adopted by both houses relative to the plot; though some of them were pursued by the last parliament, and some of them renewed by this, at successive periods. In this comprehensive recital the less impropriety will appear, when it is observed, that the resolutions and the measures of the last parliament and of this, not only illustrate the same spirit, but that the latter, with little variation, are a transcript of the former.

Both

Both houses of parliament concurred in a vote, CHAP. III.  
 " That there is, and has been for several years  
 " past, a treasonable plot and conspiracy contrived  
 " and carried on for murdering the king, and for  
 " subverting the protestant religion and the estab- 1676.  
 " lished government<sup>17</sup>." They consecrated their Measures taken in  
 opinion with the sanction of religious solemnity, conse-  
 quence of  
 the plot;  
 and addressed his majesty to appoint a day of hu-  
 miliation and prayer, to obtain reconciliation with  
 God, and to intreat him to defeat the designs of  
 their enemies<sup>18</sup>.

The commons entered with diligence into the examination of witnesses, to confirm the idea en- by the commons;  
 tertained of the plot: they offered a pardon and  
 reward to such of the criminals as should make  
 new discoveries, and impeach their accomplices:  
 they addressed the king to give a reward of twenty  
 pounds for the discovery of every catholic priest,  
 and to pay the sum of five hundred pounds, agree-  
 ably to his proclamation, to Bedloe, whose testi-  
 mony, notwithstanding the infamy of his charac-  
 ter<sup>19</sup>, had been admitted as satisfactory evidence  
 of the murder of Godfrey, a material fact, con-  
 nected with the conspiracy<sup>20</sup>. They committed  
 colonel Edward Sackville, one of their members,  
 to the Tower; and afterwards expelled him the  
 house, for having disparaged the evidence of the  
 plot; and to perpetuate his punishment, they ad-

<sup>17</sup> Journ. Commons, 24th March.—Journ. Lords, 24th March.

<sup>18</sup> Journ. Commons, 20th March.

<sup>19</sup> North's Examen. Keresby.

<sup>20</sup> Sir Edmund Ibury Godfrey had received and attested Oates's narratives, and suddenly disappeared. His body was found, after three days search, lying in a ditch near the city.—The coroner and his jury gave it as their verdict, that he was murdered by persons unknown; and it was universally taken for granted, that it was done by the papists, in order to suppress the evidence of the plot.

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dressed the king, to render him incapable of holding any office under government<sup>21</sup>. They drew up articles of impeachment against earl Powis, viscount Stafford, lord Arundel of Wardour, lord Belasis, five popish lords who had been committed upon Oates's information. They addressed the king, to order all papists to remove ten miles from London; and, because he seemed dilatory and lenient in the punishment of the unhappy persons already condemned for being accessory to the plot, they urged him, by repeated addresses, to order their execution<sup>22</sup>. They brought in a bill for the banishment of all papists, and even those who were reputed to be such, twenty miles from London and Westminster; and for confining those who lived at that distance from London, within five miles of their habitations<sup>23</sup>. To impress the nation more deeply with the apprehension of danger, they resolved, that if the king should come to a violent death, they would avenge it to the utmost upon papists<sup>24</sup>. They solicited the lords, to concur with them in an address to the king, to give orders to the lieutenants of the several counties, to have the train bands in readiness, and, that the militia of London, Westminster, the Tower Hamlets, and the counties of Middlesex and Surrey may be immediately raised, and put into a posture of defence<sup>25</sup>.

by the  
Lords.

The lords seconded these measures, and in some instances they exceeded the zeal of the commons. Not content with adopting various measures to detect and convict popish recusants, and such as

<sup>21</sup> Journ. Commons, passim in October, November, and December, 1678; March, April, and May, 1679.

<sup>22</sup> Journ. Commons, 25th March.

<sup>23</sup> Journ. Commons, 25th March.

<sup>24</sup> Ibid. 11th May.

<sup>25</sup> Ibid. 9th and 10th May.



had been necessary to the plot, they stretched the arm of power with arbitrary violence, against those who did not implicitly approve their sentiments; and punished men for their opinions over which they had no command<sup>26</sup>. A committee appointed to inquire into the danger impending over the nation, was also empowered to call before them, persons who had expressed themselves doubtfully concerning the plot, or who had declared, that those, who suffered for it, were innocent and unjustly condemned<sup>27</sup>. To render this resolution more threatening and awful, they fixed upon no names, but left it in the form of a general, inquisitorial, warrant, to be applied as extensively as the committee should deem proper<sup>28</sup>. They stretched their violence beyond the confines of England, and addressed the king, that the laws against the Roman catholics in Ireland might be carried into strict execution<sup>29</sup>.

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The direful effects of these measures it is painful to recollect. Allured by the prospect of consequence and of reward, informers crowded from every quarter: judges and juries, infected with the predominant credulity and panic of the nation, admitted guilt, and shed the blood of their fellow-citizens, upon evidence, which, in a more dispassionate period, would not have been deemed sufficient to justify any sentence affecting property or character, in the most trifling degree. The great body of the people, agitated by terror, and duped by an implicit confidence in their factious leaders, delighted for a season in sanguinary and oppressive deeds. Real dangers may excite imaginary and

<sup>26</sup> Journ. Lords, 11th March.

<sup>27</sup> Journ. Lords, 11th March.

<sup>28</sup> Ibid. 25th March and 23d April.

<sup>29</sup> Ibid. 1st and 17th April.

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These

<sup>30</sup> The existence of a popish plot certainly appears questionable, when the following considerations are attended to:

1st. The infamous character of the witnesses, the inconsistency and contradiction of the facts alledged, and the notorious perjury detected in the course of the evidence. See North's *Examen*, p. 176-9.—Somers' Col. vol. vii. p. 361. 405.—Life of James, 1677, 81, 83.—Salmon's *Modern Hist.* vol. xxiii.—Life of the Duke of Ormond, vol. ii. p. 513.—Burnet, 1698.

2dly, The plot often changed its shape. The account given of it in the parliament was different from that which had been delivered to the privy council, and the evidence, adduced in the trial of individuals before the judges, differed from both. Somers' Col. vol. i. p. 44. Some of the votes of parliament, particularly that which related to the innocence of the queen, involved the perjury of Oates and Bedloe. *Journ. Commons*, passim.

3dly, The vehement and invariable protestations of innocence made by all who suffered on account of the plot, is a circumstance entitled to great weight, when connected with the above observations. Nor will the universal credit given to the rumour of the plot, and the zeal with which it was prosecuted appear unaccountable, when the peculiar circumstances of the times are attentively considered.

1st, The deep horror of the people of England at popery, awakened and heightened by the duke of York's conversion to that religion, prepared them to listen, with devouring credulity, to every tale of danger arising from that source. The discovery of the correspondence of Charles with France, and his attachment to her interest, always combined with the introduction of popery and the ruin of England, raised the credit of the witnesses to a pitch to which it could not have attained at any other period; established an imaginary connection of facts, which supplied the want of direct proof, and set aside many strong and suspicious

These unhappy effects of the dread of popery, CHA P.  
however lamentable, were not matter of deep con- III.

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suspicious circumstances. Thus the paragraphs in Coleman's Letters, which referred to the secret league between Charles and the court of France, appeared to persons who were ignorant of that league, to carry undoubted evidence of the existence of the plot. See Sec. Hist. of Europe, vol. i. p. 231.

2dly, The resentment and the diligence of the leaders of faction, and particularly the uncommon talents and the indefatigable industry of Shaftsbury, were employed, if not in the first instance, to fabricate evidence in support of the existence of the plot; yet, undoubtedly, to improve every rumour and external event to the greatest advantage, by cherishing the credulity and exciting the terror of the nation. See Shaftsbury's Trial, State Trials, vol. iii. Copies of Oates's Narrative were circulated through the nation: Every new discovery was dispatched with incredible expedition, and with circumstances of aggravated horror, to the remotest parts of the country. The calamities of nature and of accident, as they best suited their purpose, were interpreted, either as providential warnings of national danger, or as the effects of the malignancy of the Roman catholics, connected with the plan of extirpating the protestants. Journ. Commons, 26th April, 1679.

3dly, The pusillanimity of the king, and the dishonest policy, of his ministers, co-operated with the schemes and the labours of those whose interest it was to establish the belief of the plot. Life of James, 1680.

4thly, The invitations, pardons, and rewards, held forth to informers and witnesses, produced such an accumulation of evidence, that it was no wonder if something was culled from it, that was specious and imposing.

5th, The violence and partiality of the judges, particularly of chief justice Scroggs, not only dispensed with the most essential qualities of evidence, but trampled upon the principles of justice, and thus gave a sanction to that latitude which the prejudice of every man led him to adopt, in the interpretation of proofs adduced in support of the reality of the plot.

6th The discovery of Coleman's correspondence, and the expressions in some of his letters, though no proof of the identical plot discovered by Oates, nor involving the privy of others, yet manifested so much of that spirit of restless intrigue and violent bigotry which characterise the Roman catholic religion, that they may be easily supposed to have produced a mighty influence in raising an alarm, and fully convincing those who were alarmed. L'Esrange. North's Examen, p. 123 and 169.—Somers' Col. vii. p. 262.—Welwood, p. 123.

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Prosecu-  
tion of  
lord  
Danby.

cern to the sovereign<sup>31</sup>. Whatever were the private sentiments of Charles, he had hitherto given countenance to zeal, which veiled itself under the pretext of loyalty<sup>32</sup>. Some of the ministers, upon whom he relied with implicit confidence, either from conviction, or with the crafty design of diverting to another object the storm which was ready to burst upon their own heads, stood foremost in the prosecution of measures, for the discovery and the punishment of the abettors of the popish conspiracy<sup>33</sup>.

Other coincident measures, erected upon the same basis, and flowing from a disaffection to the court, were of a tendency more alarming to the king and his ministers. The prosecution of lord Danby was conducted by the commons with such virulent and tyrannical oppression, as rendered it

<sup>31</sup> Burnet, &c.

<sup>32</sup> Echard gives us this remarkable anecdote, which he heard from the person to whom the king related it. About the beginning of the rumour of the plot, an entertainment was given, by twenty eminent citizens, to Tongue and Oates, and to a noted divine, who had been often favoured with the king's private conversation. The superior deference paid to Oates offended Dr. Tongue, who addressed his associate in these words: "You know nothing at all of the plot, but what you learned from me." One of the company communicated this information to the king, who sent for the above divine, and desired to hear the particulars from him. He alleged the badness of his memory, and desired the king to excuse him. Though the king urged, he still declined to satisfy him. Upon which, the king incensed spoke to this effect: "I find there is like to be a great deal of bloodshed about this plot, and the times are so troublesome and dangerous to me, that I durst not venture to pardon any that is condemned; their blood be upon your head, and not upon mine." Echard, vol. iii. p. 472-3.

Contrasted with the king's private sentiments, compare his speech to both houses, November 1678.

The king refused to pardon Plunket, though he believed him to be innocent. Echard, vol. iii. p. 631.

<sup>33</sup> Life of James, 1687. Extract 12th.

evident,

evident, that their object was not merely to disgrace a minister whom they hated, but to stain the honour of the prince, and to check the future exertions of prerogative<sup>34</sup>. Intimidated by the prospect of these consequences, the king would willingly have entered into a compromise with the commons, by yielding, in a certain degree, to the disgrace of his minister, notwithstanding his having already granted him a pardon<sup>35</sup>. For this purpose a bill was carried through in the house of lords, for rendering lord Danby incapable of coming into his majesty's presence, of holding any office, or sitting in the house of lords<sup>36</sup>. Far from being satisfied with this, the commons forwarded a bill of attainder, which was to be put in force, unless he surrendered himself for trial against a certain fixed day<sup>37</sup>. The lords sent back this bill; repeated conferences between the two houses were held upon the subject of it. The commissioners from the lords earnestly expostulated with those from the commons to mitigate their severity, and to obtain their consent to the banishment of lord Danby. The commons, with an inflexible obstinacy, contended for the bill of attainder. The lords, at last, reluctantly consented, that it should pass, under the condition of prolonging the period allowed for lord Danby's surrendering himself for trial<sup>38</sup>.

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By this victory of the commons, the principal object the king expected to obtain, by the dissolution of his parliament, was frustrated. He must immediately submit to all the disagreeable consequences of a rigid scrutiny into Danby's correspondence. The king alarmed by the proceedings of the commons.

<sup>34</sup> Journ. Commons, 20th, 21st March.

<sup>35</sup> Burnet, vol. ii. p. 78.

<sup>36</sup> Journ. Lords, 22d March.

<sup>37</sup> Journ. Com. 25th & 26th March, 1st April.

<sup>38</sup> Ibid. 4th, 5th, 7th, 8th, 9th, 10th, 12th, 14th April.

dence

CHAP. dence with France. A trial was to be carried on, in despite of a royal pardon; an attempt highly mortifying to the king, and which, if successful, would furnish a precedent for the farther abridgment of his power<sup>39</sup>. A storm no less formidable was gathering in another quarter. The commons had, early in this session, introduced a bill to secure the kingdom from popery<sup>40</sup>. It was impossible to conjecture, what extravagant projects the ingenuity of faction might not erect upon this broad foundation. It was certainly foreseen, that the exclusion of the duke of York from the succession to the throne, was directly aimed at; a measure which the king formed the resolution of resisting at any hazard<sup>41</sup>. He found that he had not gained any advantage by changing the representatives of the people, neither could he hope to derive sincere and effectual exertions in support of his prerogative from his new ministers, some of whom he suspected of being accessory to the councils of the popular leaders<sup>42</sup>. He was aware, on the other hand, of that increase of national disaffection, and the embarrassment of his finances, which must be the consequences of a premature dissolution of parliament. In this crisis of perplexity and distress, he fondly listened to the project of a new council, suggested by sir William Temple, as the most likely expedient for maintaining his own authority and the peace of the nation<sup>43</sup>. The privy council, which consisted of sixty members, was but little consulted upon the affairs of government. The king had been wont to select from his larger council a small num-

A new  
council.

<sup>39</sup> North's Examen.

<sup>40</sup> Journ. Commons, 22d March.

<sup>41</sup> Echard.

<sup>42</sup> Dalrymple, Ap.

<sup>43</sup> Temple. Journ. Lords and Commons, 21st April.

ber,

ber, under the name of the committee for foreign affairs, to whose discussion and advice the most important measures, relative to domestic and foreign politics, were referred<sup>44</sup>. It was now resolved, that the privy council should be reduced to the number of thirty; the one half of this number was to be filled by persons in ministerial offices, who might therefore be expected to pay a decent respect to prerogative; and as the other fifteen were persons of the greatest property in the nation, it was believed, that, through their influence, the violence of opposition would be restrained, and the public business conducted with harmony and success. By transferring to the new council the supreme direction of affairs, the king hoped to be exempted from responsibility, and to escape that censure, which had hitherto pursued him through every successive change of ministry and measures<sup>45</sup>. Though the notification of this measure was received with testimonies of approbation by the people, and their more unprejudiced representatives in parliament, yet, to the leaders of every party it appeared somewhat exceptionable. The zealous royalists were offended at a renunciation of power which depressed prerogative, and excluded them from any share of public influence<sup>46</sup>. The members in opposition imputed the appointment of lord Shaftsbury, to be president of the council, to the timidity of the king, rather than to any change in his sentiments; and regarded it as a happy presage of their success in extorting farther concessions from the crown, and advancing their own influence. The factious members of the council availed themselves of their new dignity to raise their credit in parliament<sup>47</sup>. The earl of Shaftsbury boasted

<sup>44</sup> Rayn. vol. i. p. 438.

<sup>45</sup> Ibid.

<sup>46</sup> Life of James, 1679. North's Examen.

<sup>47</sup> Ibid. North's Examen.

CHAP. of his presidency, as an evidence of his having recovered the favour of the king<sup>43</sup>.

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So far from working any change upon the temper of the commons, the institution of the new council does not appear to have produced the smallest abatement of their ardour, or any interruption to the violent measures in which they were engaged.

The commons proceed in the impeachment of the earl of Danby.

They proceeded, the day after it had taken place, to renew their instructions to the committee for the impeachment of the earl of Danby, who had surrendered himself at the bar of the house of lords<sup>44</sup>. Indignant at any barrier being opposed to their resentment, they appointed a committee to inquire into the proceedings relative to lord Danby's pardon, and the manner in which it had

<sup>43</sup> It may seem somewhat extraordinary, that lord Shaftsbury, so treacherous to Charles, should be taken into the new council. He was, however, proposed by the king himself, who assigned this reason for it, that, if left out, he would do more mischief than any man.

This trimming of the king operated greatly to the prejudice of his affairs, as it made the people believe, that Shaftsbury was still in the king's confidence, and induced them to give credit to all his political fictions. Despairing of being ever reconciled to the duke of York, he devoted himself entirely to the interest of the duke of Monmouth. He used to declare among his friends, that the duke of Monmouth was so beloved by the king, that he only wished to have an opportunity of acknowledging his legitimacy, and that the violent prosecution of those concerned in the popish plot, the exclusion of the duke of York, and the obstinacy of parliament, would afford him that opportunity. Echard, vol. iii. Life of James, 1679. "Such mischief," says sir William Temple, "could never have grown, if Shaftsbury had not worked himself into the credit of being secretly well with the king, and still better with Monmouth, whose success would repay all their services." Temple, vol. i. p. 418. This fact conveys an instructive lesson to princes, that nothing can be more dangerous than externally to caress, and to invest with authority, those men whom they secretly detest and fear.

<sup>44</sup> Journ. Commons, 22d April.

been



been obtained<sup>10</sup>. They resolved that the pardon CHAP.  
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1679. was illegal, and consequently void, and went in a body to the house of lords to demand judgment against him, as standing accused of high treason<sup>11</sup>. The legality of the pardon, and the objections of the commons, the lords resolved to examine with deliberation and candour, and addressed the king to appoint a high steward to preside at the trial of lord Danby and the popish lords; the latter of which they intended to bring to a speedy decision<sup>12</sup>. These resolutions of the lords were considered by the commons as intended to interrupt the progress of lord Danby's trial, and to screen prerogative from the shock it must have sustained by the disregarding of the king's pardon. Another resolution of the lords, which appeared more materially to affect the issue of the trial, confirmed the suspicions of the commons, and furnished a new topic of altercation between the two houses. After deliberating upon the circumstances of the trial, the lords decided, that the bishops were entitled to remain in the house, in capital cases, till judgment of death were pronounced<sup>13</sup>. As the invariable attachment of the bishops to the measures of the court was notorious, this resolution of the lords was considered as decisive with respect to the preliminary question of the validity of lord Danby's pardon. The commons earnestly struggled, in repeated conferences with the lords, to

<sup>10</sup> Journ. Commons, 25th April.

<sup>11</sup> Ibid. 5th May.

<sup>12</sup> Journ. Lords, 5th and 6th May.

<sup>13</sup> Ibid. 13th May.

By the constitutions of Clarendon, the clergy are required to assist at trials only till sentence of death, or loss of members, be given against the criminal. Hume, vol. i. The same respect to the delicacy of the ecclesiastical character seems to have taken place in other kingdoms of Europe. Retz's Memoirs.

prevail

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Bill of exclusion.

prevail upon them to retract their opinion with regard to the interference of the bishops, and also to prefer the trial of lord Danby to that of the other lords under impeachment. Unable to obtain the consent of the lords, they passed resolutions in opposition to their decisions. They not only asserted, that the pardon was illegal, but declared it criminal in any of their members to maintain its validity. They resolved, that the bishops had no right to vote in cases of life and death<sup>14</sup>.

Irritated by repeated disappointments of bringing their attacks upon the prerogative to any effectual issue, and emboldened by the increasing discontent of the nation, the commons now resolved, with more daring assault, to push their resentment within the walls of the palace, and to offer violence to the affections of the king. Having found that the adherence of the duke of York to the Roman catholic religion was a principal cause of the dangerous conspiracy against the life of the king and the constitution, they brought in a bill to exclude him from the succession to the crown after the demise of his majesty<sup>15</sup>. The detail of arguments upon both sides of this question, by far the most delicate and important that was agitated in the course of this reign, I defer till that period, when they may be said to have attained to their highest improvement and most extensive influence. We need not wonder if the first proposal of the exclusion filled the king with anxiety and alarm, and excited the most determined purpose of opposition to it. Hereditary, indefeasible right was the foundation of non-resistance and of absolute power. The exclusion of the next lineal heir of the crown cut the stock

<sup>14</sup> Journ. Commons, 15th, 17th, 26th May. Grey's Debates, vol. vii.

<sup>15</sup> Journ. Commons, 27th April, 8th and 11th May.

upon

upon which all those luxuriant branches of prerogative were grafted, which his fondest prejudices led him to venerate and to cherish<sup>56</sup>. It were uncandid, at the same time, not to admit, that the influence of natural affection contributed to render the king averse to a measure contrived to bereave his brother of his birth-right, and, in case of his surviving, to consign him to exile and disgrace.

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While the commons were vehemently engaged in forwarding the bill of exclusion, they contrived with dexterous policy, to introduce such inquiries as furnished new arguments for that measure; and which at the same time obliquely reflected upon the character of the duke of York. They appointed a committee to inquire into the miscarriages of the navy, the management of which had principally devolved upon him, and in which he had hitherto been supposed to possess distinguished merit<sup>57</sup>. A strict examination into the expenditure and the abuses of the revenue was carried on, with a view of exposing the corrupt practices of the king and his ministers during the late parliament; and to render infamous those members who had yielded to their influence. Charles Ber-

Inquiries  
concern-  
ing the  
misma-  
nagement  
of the  
navy and  
the reve-  
nue.

<sup>56</sup> Reresby, p. 121. Life of James, 1680. Extract 12th.

<sup>57</sup> Journ. Commons, 22d May 1679 Sir Anthony Dean and Mr. Samuel Pepys, secretaries of the admiralty, were charged with holding a correspondence with France. The former, it was alleged, had carried into France an exact list of the navy, a description of all the forts, and an account of their weakness and strength. This he was supposed to have done, with the privy of the duke of York, and for the purpose of carrying on the plot. Though the duke of York was much in the interest of France, yet there is no evidence of his having been guilty of such treachery; but the very institution of the inquiry, while the prejudices of the nation ran high against him, made him perhaps appear more criminal in their estimation, than if it had been brought to an issue. Ralph, p. 450.

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treys, who had received a commission for distributing the sum of two hundred and fifty thousand, four hundred and sixty-seven pounds, for the secret service of government, was, by the order of the house, committed to the custody of the serjeant at arms, because he refused to state to them the particular articles in which that sum had been expended<sup>58</sup>. Sir Stephen Fox, who had been employed by the court in the same office, was ordered to produce every account of money paid to members, or to other persons, for the purpose of keeping public tables, and performing any secret service for the court<sup>59</sup>. From sir Stephen Fox's evidence it appeared, that the sum of three thousand four hundred pounds had been paid, annually, in pensions to members of parliament; a sum which fell short of the expectation of the authors of this investigation. There is reason however to suspect, that this sum was but an inconsiderable proportion of the money distributed for the purpose of corrupting members. For it is remarkable, that some names were added, upon the knowledge of private members, to the list of pensioners delivered by sir Stephen Fox, who spoke merely from memory, and the books of account never were produced, nor could afterwards be found<sup>60</sup>. It must also be observed, that this inquiry was confined to the abuse of the revenue; and it may be conjectured, that a great part of the money which the king received from France, was applied to the same profligate purpose of domestic corruption.

<sup>58</sup> Journ. Commons, 10th May. Grey's Debates, vol. vii. p. 232.

<sup>59</sup> Ibid. 23d May. Grey's Debates, vol. vii. p. 315.

<sup>60</sup> Ralph, vol. i. p. 449.

To retrench the parliamentary influence of the court, a bill was twice read in the commons, to prevent any member of the house from accepting of any post or pension, during that session of parliament<sup>61</sup>. They extended their views beyond a temporary reformation, and turned their thoughts towards the most effectual means for securing the independence, and preserving the integrity, of succeeding parliaments. In order to prevent the court from conferring the privilege of voting on the very eve of an election, upon persons devoted to its interest, and often brought from a distance, to counteract the natural and the pure influence of constituents, the period of one year's residence in the county or burgh in which they voted, and two hundred pounds clear of all incumbrances, were proposed to constitute a qualification for a vote. Heavy penalties were enacted against corruption, and the magistrates and officers who should connive at it. The bill concluded with declaring, that no future parliament should, either by prorogation, adjournment, or any other method, be continued above the space of two years<sup>62</sup>. That the commons might totally exclude the crown from every hope of supply by any expedient, without their consent and authority, a bill was brought in and committed, to secure the subject from the illegal exaction of money<sup>63</sup>. These laudable efforts for improving the constitution were frustrated by a misunderstanding which happened between the two houses, in various points relative to the trial of lord Danby. A bill for securing the liberty of the subject, known by the

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Bills to re-  
trench the  
influence  
of the  
court.

<sup>61</sup> Journ. Commons, 1st May.

<sup>62</sup> This bill is not inserted in the Journals. See an account of it in Ralph, vol. i. p. 449.

<sup>63</sup> Journ. Commons, 23d, 25th April, 1st May.

CHAP. name of the habeas corpus, met with better success; and will for ever distinguish this parliament, by the grateful remembrance of posterity<sup>64</sup>.

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Parliament dissolved.

27th May.

A series of measures, so hostile to prerogative, widened the breach between the king and the commons. No sooner was it suspected that the king intended to prorogue the parliament, than measures were taken out of doors to intimidate him, by displaying the strong support which the commons derived from the affections and gratitude of the people. An address of thanks to the parliament by the city of London, and a remonstrance against their prorogation, were prepared<sup>65</sup>. Precipitated by fear, the king durst not hazard the advice of his new council, which he had pledged himself to regard; and, by an unexpected prorogation, stopt the tide of popular rage, which beat with such threatening violence against the pillars of the prerogative. The third parliament of Charles was dissolved the twelfth of July, one thousand six hundred and seventy-nine, and a new parliament summoned to meet on the seventeenth of October following.

To the king, disappointed of the success he expected from the dissolution of the long parliament, there now remained no prospect of supplying his necessities, and of reigning in peace, but by renewing his alliance with France, or obtaining, in a new parliament, representatives more friendly to the interests of the crown. Steps were taken preparatory to either of those measures, as should afterwards be found expedient.

Charles attempts to enter into a new treaty with the French king.

As Charles was led, by an infatuated predilection, to prefer the friendship of France to the affections of his subjects, so the former was at this

<sup>64</sup> Journ. Commons, 27th May.

<sup>65</sup> Reresby. Temple.

time strongly recommended to him, by the address and importunity of his brother<sup>66</sup>. Alarmed by the repeated attempts to exclude him from the throne, the duke of York devoted himself, with anxious assiduity, to promote a treaty between his brother and the French king, as the only means of preventing the meeting of a future parliament, and of securing his own succession<sup>67</sup>. The extravagant demands of Lewis first retarded the progress of this treaty, and at last put an end to it. He insisted that Charles should lay aside parliaments altogether, or discontinue them for a long time, a measure which, from past experience, had been found equally unsafe and impracticable<sup>68</sup>. The suspension of parliament for the space of three years, was at last agreed to by Charles, and accepted of by the king of France. But, though it was probable that the former was well inclined to conclude this treaty, yet his ministers, particularly Sunderland and Hyde, who had taken every previous step with zeal, rejected the terms of it, either from the dread of personal danger in case of detection, or from the apprehension of being disappointed of the rewards they expected from France<sup>69</sup>.

In the mean while, the general course of elections did not open a near prospect of composing the tumults of the nation, and of re-establishing the tranquillity of the king, by the intervention of parliament. If patriotic zeal had not hitherto accomplished its full desire, yet it had led to discoveries which fastened ignominy upon the adherents to the court, and weakened their influence in the competition for public confidence. The

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<sup>66</sup> Dalrymple, Ap. p. 239.

<sup>67</sup> See letters of the duke of York to Lewis, Ibid. p. 239.

<sup>68</sup> Ibid. p. 233-4.

<sup>69</sup> Ibid. p. 242.

CHAP. III. inquiry of the late parliament into the state of the pensions, produced a list of names, which were circulated through the country with malevolent additions; and they were represented, as having rendered themselves too infamous to be entrusted with the protection of the rights of their fellow-subjects<sup>70</sup>. To countenance their pretensions was to participate of their crimes, and to endanger the constitution. The part which individuals had taken in the exclusion, the most ambiguous question which had been discussed in the last parliament, was assumed as an infallible criterion to ascertain integrity or corruption of character, and to fix the approbation or the censure of the people. The exclusionists were patriots, protestants, and friends to the constitution: the anti-exclusionists were, in their hearts, papists, the abettors of arbitrary power, and devoted to the interest of France<sup>71</sup>. All the malignant ingredients which composed the last of these characters were comprehended in the name of *Tory*, a term which had been formerly applied to the wildest savages in Ireland; while the loyalists as scornfully retorted upon their antagonists the appellation of *Whig*, by which they expressed the idea they entertained of their despicable station, illiberal principles, and tumultuary proceedings<sup>72</sup>. Circumstances so well fitted to work

<sup>70</sup> Caveat against Whigs, p. 68. North's Examen.

<sup>71</sup> Ibid.

<sup>72</sup> The terms *Whig* and *Tory* came to be in familiar use during the late parliament. The people, while the question concerning the exclusion was depending, assembled, day after day, about the gates of Westminster. The king's guards were ordered to disperse them; and as a scuffle sometimes ensued, the enraged multitude expressed their indignation by giving their adversaries the name of *Tories*. Such the wild Irish were called, of whose barbarity the most shocking accounts were at this time brought



work upon the temper of the people, still agitated with fresh rumours about the plot, and applied with dexterity and diligence by the country party or whigs, produced a majority of returns in their favour.

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Some events occurred after the elections, which farther tended to increase the discontents of the people, and to furnish new materials for the declamation of their leaders, when permitted to enter upon the discharge of their public trust. The duke of York suddenly returned from Brussels, as soon as the king's indisposition was notified to him,<sup>1</sup> 2d Sept. and met with a reception which confirmed the general impression of his brother's unalterable attachment to his interest<sup>2</sup>. The most important favours conferred by the court were now traced to his recommendation<sup>3</sup>. The duke of Monmouth, who had attained to the summit of popularity by the intrigues of party, and the success and lenity with which he had extinguished the rebellion of the covenanters in Scotland, was deprived of all his offices, and banished to the Continent; while the duke of York was permitted to reside in Scotland, that he might be near the scene of action<sup>4</sup>. The invention of a new plot, called the meal-tub

October.

brought to London. The mean appearance of the rabble, who attended the exclusionists with shouts of applause as they entered and returned from the house of commons, provoked the loyalists to express their contempt of them by the appellation of *Whigs*, which was appropriated to the poorest of the people in Scotland, or those who carried to market the refuse, or what was called the whig of the milk, which their wretchedness would not allow them to bestow upon their cattle. North's Examen, p. 320.

The same names were afterwards applied to the clergy: those who preached against the fanatics, and in defence of the prerogative, were called *Tories*: those who founded the alarm of popery and of the plot, were called *Whigs*. Ibid.

<sup>1</sup> Burnet. Echard.

<sup>2</sup> Reresby, p. 99.

<sup>3</sup> Echard.

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plot,

CHAP. plot, revived the spirit of terror and prosecution,  
 III. which had begun to languish from the yielding  
 1679. temper and severe sufferings of the Roman catho-  
 lics.<sup>76</sup>

The king takes mea- The impression made by these events was too  
 sures to deep to be effaced by a few ostentatious measures,  
 gain popu- pursued by the court in concession to the prevail-  
 larity. ing sentiments of the nation. Treaties with Spain  
 and with Holland, formerly the object of patriotic  
 desire, were earnestly set about, after the miscar-  
 riage of the alliance with France. The most fer-  
 vent zeal was affected by the court against Roman  
 catholics, and the king embraced every opportu-  
 nity of declaring his purpose to fall in with any  
 new measures which might be suggested by the  
 approaching parliament, to maintain the safety of  
 the protestant religion, provided the legal order of  
 succession was not invaded<sup>77</sup>. This reservation,  
 however, the popular leaders were determined not  
 to tolerate; and, though excluded from the op-  
 portunity of parliamentary opposition, they adopted  
 a method of declaring their sentiments, not less  
 effectual, to embolden their adherents, and to con-  
 firm their jealousy of the court.

The duke The earl of Shaftsbury, accompanied by a con-  
 of York siderable number of persons of the first rank in  
 indicted the nation, presented, to the grand jury of Mid-  
 as a popish dlesex, reasons for indicting the duke of York as  
 recusant. a popish recusant. The refusal of the chief justice  
 1680. Scroggs to admit the complaint, and a premature  
 March. dismissal of the grand jury, after he had been

<sup>76</sup> One Dangerfield, who had been branded for the most atro-  
 cious crimes, pretended that money had been offered him by  
 some of the popish lords, to kill the king and lord Shaftsbury;  
 and because some of the papers to which he referred as evidence  
 were found in a meal-tub, the plot was called the Meal-tub Plot.  
 Ralph, &c.

<sup>77</sup> Echard.

sent for to Whitehall, afforded a striking evidence of the arbitrary spirit of government'. The long suspension of parliament was marked, as a palpable contradiction to the hypocritical professions of zeal for the protestant interest held forth in all the declarations of the court. The last parliament had been dissolved in the very career of their zeal, and while prosecuting the most effectual measures to detect and to arraign the machinations of a restless and bloody superstition. Was there not reason to apprehend, that the resentment of the court was excited by that part of their conduct which appeared meritorious, in the eyes of every person well affected to the religion and liberties of England? The people, in general, were impressed with a full persuasion, that nothing less than the united wisdom of their independent representatives could penetrate into the deep mysteries of jesuitical intrigues, or devise remedies adequate to the magnitude and extent of the mischiefs with which they were pregnant: and yet, from month to month, by prorogation after prorogation, the nation was disappointed of that antidote against danger which the constitution provided, and the royal proclamation had flattered them to expect. How mortifying, at the same time, to the new elected members, to be detained in an obscure and private station, and prevented from enjoying the honours and privileges annexed to the trust and the public character, which the choice of their fellow-citizens had conferred upon them.

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Agreeably to these sentiments, a petition was presented by seventeen peers, setting forth the ill effects of the dissolution of the last parliament, and praying the king to continue his new elected

Petitions  
for the  
meeting of  
parliament.

<sup>78</sup> Ralph, vol. i. p. 524.

<sup>79</sup> Appeal from the city to the country.

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9th De-  
cember  
1679  
12th De-

Addreses  
of abhor-  
rence.

parliament for the dispatch of business, after the period of the next prorogation<sup>10</sup>. The influence of this example spread with rapidity, and brought in petitions to the same purpose from every quarter, and from every denomination of citizens<sup>11</sup>. A proclamation, issued by the king, to prohibit persons from presuming to promote, or *agitate* subscriptions to petitions of a seditious tendency, only served to evince the contempt of royal authority, pushed beyond the restrictions of law. The violence of this measure, and a refined distinction, contrived to evade the law, which expressly ascertained the right of the subject to petition the sovereign, was exposed with acrimony and ridicule in news-papers, and other periodical publications<sup>12</sup>. Prerogative was baffled; the stream of petitions still flowed in with unabated violence<sup>13</sup>.

If the authority of proclamations was insufficient to prevent petitions from being thrown into the scale of popular interest, the only remaining remedy was, to counterbalance them by petitions and addreses of an opposite tendency. The duke of York, ambitious to carry along with him to court an evidence of the great personal influence he had acquired during his residence in Scotland, had obtained from the nobility and gentlemen there, an address to the king, full of the most ardent declarations of loyalty and affection, and professing, in the strongest terms, an abhorrence of that turbulent spirit which dictated petitions disrespectful to his majesty's person and govern-

<sup>10</sup> Burnet. Kennet.

<sup>11</sup> Ibid.

<sup>12</sup> The term *agitate* subscriptions, was suggested by lord keeper North, as a palliative of a proclamation, which seemed to be directly in the face of law. At the same time, the method used by the popular party to procure subscriptions to petitions seemed to require a check. North's Examen, p. 541, &c.

<sup>13</sup> Echard, &c.

ment<sup>84</sup>. After this example, similar addresses were promoted by the agents and partisans of the court in England; and even presented by some of the towns and corporations which had petitioned for the meeting of parliament<sup>85</sup>. The general scope of them was to express their sense and abhorrence of the mischievous tendency of petitions; and some of them even descended into a flattering approbation of those measures of the court which were deemed most illegal and arbitrary<sup>86</sup>.

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1680.

The period, to which men of every different opinion and party looked forward with the most anxious expectation, at last approached: The king, after six prorogations, met his parliament on the twenty-first of October one thousand six hundred and eighty<sup>87</sup>. He mentioned in his speech the beneficial effects which had resulted from the several prorogations of parliament, both to himself and to neighbouring states; and his having completed an alliance with Spain. He recommended the vigorous prosecution of the plot; and solemnly declared, that provided the succession of the crown was preserved in its due and legal course, there was not any remedy which they could propose for the security of the protestant religion, to which he would not readily give his consent<sup>88</sup>.

Fourth  
parlia-  
ment.

Sir William Williams was chosen speaker of the house of Commons, and approved of by the king<sup>89</sup>. All the measures pursued by the two former parliaments, to support the credit and keep alive the terror of the plot, were repeated, and need not

<sup>84</sup> Echard, &c.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ralph.

<sup>88</sup> Journ. Lords, 21<sup>st</sup> October.

<sup>89</sup> Journ. Lords, 22<sup>d</sup> October.

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The commons censure those members who had opposed petitions.

again be specified<sup>90</sup>. To all their solicitations and recommendatione upon this subject, the court yielded with an obsequious facility, which left no room for complaint or remonstrance. A retrospective view of the conduct of the court during the recess of parliament, furnished ample grounds for commencing hostilities against the friends of the prerogative, and for trying the strength of parties.

The superiority of the whigs was displayed by the resolutions of the commons, which adopted the characteristical sentiments of the party, upon the question of petitions. They declared, that it was the undoubted right of the subject to petition the king for a redress of grievances, and for the calling of a meeting of parliament<sup>91</sup>. They proceeded to open, effectual marks of their displeasure against those who had discountenanced the petitions: they declared such conduct subversive of the ancient constitution, and favourable to arbitrary government, and appointed a committee to inquire into, and make their report upon this matter<sup>92</sup>. They did not stop at threats and angry words: in consequence of the report of their committee, they expelled some of their members for having joined in addresses of abhorrence, and others for having expressed their dislike of petitions<sup>93</sup>. The commons did not confine their resentment to offenders on the subject of petitions, or to such as were placed more immediately within their own jurisdiction: they were determined that persons of the first eminence, and who, from the in-

<sup>90</sup> Journ. Lords, 23d October, &c. Journ. Commons, 28th October, &c.

<sup>91</sup> Journ. Commons, 27th October, &c.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid. 29th Oct. 1st Nov, and 10th Dec.

fluence of office, enjoyed more frequent opportunity, and more extensive capacity of promoting arbitrary measures, should feel and learn to dread the severity of their chastising arm.

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In order to compass this design, they appointed a committee to examine the proceedings of the judges in Westminster-hall<sup>94</sup>. North, lord chief justice of the common pleas; sir Robert Weston, one of the barons of exchequer; sir William Scroggs, the chief justice; and sir Thomas Jones, one of the puisne judges of the king's bench; had all of them fallen under the displeasure of the public, for having advised the court to illegal measures, or for having prostituted their official authority, by exceeding in severity, or by obstructing the course of justice, to gratify the caprice or resentments of the court. Hence these persons were marked out as the most proper objects of patriotic resentment. After the examination of evidence, and the reports of their committees, impeachments were voted for and carried, and articles immediately drawn up against Scroggs, and presented to the house of peers<sup>95</sup>.

Inquiry  
into the  
miscon-  
duct of  
judges.

But the great and interesting object on which the whigs collected their utmost force, was the bill of exclusion. It was ushered into the house by an information, containing all the reports of the two last parliaments relative to the popish plot; and by resolving, that the duke of York's being a papist, had given the greatest encouragement to the conspiracies against the king, and the protestant religion<sup>96</sup>. A committee was appointed to draw up a bill to disable him from succeeding to the crown of England<sup>97</sup>. The bill when in-

The bill of  
exclusion  
passes in  
the house  
of com-  
mons.

<sup>94</sup> Journ. Commons, 23d November, 1679.

<sup>95</sup> Journ. Commons, 23d, 24th, and 26th November, 10th, &c. December 1680; 5th and 7th January, 1681.

<sup>96</sup> Ibid. 2d November 1680.

<sup>97</sup> Ibid.

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1680-1.

roduced, was supported by the most eminent speakers, while the few who adhered to the court, opposed it in every stage; and endeavoured to load it with amendments, which were likely to defeat its end<sup>98</sup>. In vain had the king attempted to divert the commons from this obnoxious subject, by repeated assurances of his approbation of every other plan they could devise for the security of the protestant religion, provided they did not violate the hereditary succession<sup>99</sup>. To these the commons replied with an address, which, under the mask of a respectful answer, couched the sharpest reprehensions for the error and malignancy of those counsels which he had hitherto followed. If the cruel machinations of Rome should yet take effect; if her emissaries, through failure, or the suppression of evidence, still lurked about and infested the kingdom: it was entirely owing to the dissolution of the last parliament advancing in patriotic measures, with that zeal and success, which merited the applause and the congratulations of the nation. They arraigned the king for the palpable contradictions of his conduct to his professions and promises, while he entrusted the garrison of Tangiers, for the support of which he was soliciting supply, to the command of popish governors, and re-inforced it, from time to time, with popish officers and popish soldiers. However anxious to preserve the British dominions entire, yet it were treachery to their constituents, to turn their attention towards the distant members of the empire, while its vital parts were threatened with destruction<sup>100</sup>.

<sup>98</sup> Grey's Debates, 3d, 6th, and 11th November.

<sup>99</sup> Journ. Commons, 9th November, 1680; 4th January 1681.

<sup>100</sup> 17th November. See particularly their address, 27th November 1680.



The rumour of a popish plot in Ireland was eagerly embraced by the commons, as affording them a favourable opportunity for enlarging the list of their witnesses, and for pleading the necessity of the exclusion bill<sup>101</sup>. When the vicinity of that kingdom was considered, and in what immense proportion the papists exceeded the protestants, there could be but little hope that any limitations which the wisdom of parliament could devise, would be regarded by a popish successor.

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1680-1.

The bill of exclusion did not meet with that reception and that support in the house of lords, which might have been expected from the number and the interest of those members who had been the most active, in every preliminary step, to prosecute the abettors of the plot, and to thwart the influence of the duke of York. The commitment was carried only by two votes, and the same evening it was debated, and cast out by a great majority<sup>102</sup>. The masterly eloquence of the earl of Halifax, which, upon this occasion, far excelled that of his opponents, is said to have operated powerfully in subduing the minds of the unprejudiced, and in settling the decision of the lords<sup>103</sup>.

Almost every future purpose and measure of the house of commons in this session, was dictated by their resentment for the rejection of their favourite bill. They addressed the king to remove the earl of Halifax from his councils<sup>104</sup>. They declared that it was in vain for his majesty to promise a limited concurrence with the remedies which might be proposed for the security of the protestant reli-

<sup>101</sup> Journ. Commons, November and December 1680; 4th, 5th, 6th and 7th January 1681.

<sup>102</sup> Lords Debates, vol. i.

<sup>103</sup> Reresby, p. 104.

<sup>104</sup> Journ. Commons, 17th and 22d November 1680.

CHAP. gion; that, unless he departed from his reservation of the succession of the duke of York, neither his person nor his protestant subjects could remain in safety<sup>105</sup>.

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1680-1.

Bill for associating his majesty's protestant subjects.

They renewed many severe resolutions against the papists, and ordered a bill to be brought in, to associate all his majesty's protestant subjects, for the safety of his person, the defence of the protestant religion, the preservation of the lives of protestants, and for preventing any papist from succeeding to the crown<sup>106</sup>.

For repealing the penal statutes against protestant dissenters.

As a preliminary step to the union of his majesty's protestant subjects, it was necessary to repeal those penal statutes of Elizabeth and James, which exposed the popish and protestant recusants to the same severe penalties. While these stood unrepealed, many of the latter looked with indifference towards the issue of the dispute concerning the exclusion. There even appeared some ground for hope, that their situation might be improved, by the event of a popish successor, who, if he could not establish his own religion, so repugnant to the inclinations of his people, would certainly, under the equitable pretext of a general toleration, procure for dissenters of every sect, a mitigation of those severities with which they were now oppressed. Experience of the indulgences, illegally granted by the dispensing power of the king, had softened many of them, and rendered them more remiss in concurring with the members of the established church against the common enemy. In order to unite the counsels and exertions of the protestant interest, a bill to repeal the penal laws enacted by the statute of Elizabeth quickly passed in the house

<sup>105</sup> Journ. Commons, 15th and 20th December.

<sup>106</sup> Ibid.

of commons, and obtained also the consent of the peers<sup>107</sup>. CHAP. III.

The king had recourse to a mean and fraudulent artifice, in order to suppress this measure, from which, as it was so strongly recommended by reason and humanity, he durst not openly withhold his consent. The clerk of the crown was directed to withdraw the copy of the bill from a large parcel with which it had been arranged, in order to be presented for the royal assent<sup>108</sup>. Such a shameful departure from dignity and honour, excited a just indignation, and refuted those ardent professions of lenity and toleration, under which he had hitherto concealed his partiality for the professors of the Roman catholic religion.

The commons, in the course of this session, rejected whatever applications were made for supplies, and at length boldly declared, that unless the bill of exclusion was passed, they could give no farther pecuniary assistance to his majesty, without endangering his person and the protestant religion. In order the more effectually to shut up every channel which afforded the smallest prospect of relief to him, now reduced to the most pressing circumstances, they declared, that whoever should presume to advance money before-hand, or purchase any part of the revenue, should for that act be amenable to parliament<sup>109</sup>. The commons resolve to withhold supplies.

Aware of their approaching dissolution, the commons lost no time in passing such votes as might leave upon the minds of the people a deep impression of the indispensable necessity of their determined and inflexible adherence to the bill of exclusion, and of the weight of that interest by Angry votes against the court.

<sup>107</sup> Journ. Commons and Lords, 26th November.

<sup>108</sup> Burnet, 1680.

<sup>109</sup> Journ. Commons, 7th January 1681.

which

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which they were supported. The thanks of the house were voted to the city of London for their loyalty, their care, and their vigilant preservation of the protestant religion<sup>110</sup>. The conflagration of the city of London, which had happened many years before, was, by another vote, recalled to remembrance, and ascribed to the same malignant agency of the Roman catholics. They resolved, that it was the opinion of the house, that James duke of Monmouth had been removed from the court merely by the influence of the duke of York, and ordered an address to be presented to the king, to restore him again to favour and to office. They terminated their deliberations and existence with expressions of the warmest affection towards the protestant dissenters<sup>111</sup>. They were suddenly summoned to attend the king in the house of peers, and the parliament was prorogued from the tenth of January to the twentieth. In a few days after, it was dissolved.

The king  
summons  
a parlia-  
ment

The necessity of his circumstances, more than any regard to the constitution, determined the king, after an interval of two months, to call a new parliament. Without immediate supplies it was impossible to preserve Tangiers; and the desertion of it must have proclaimed to Europe the scanty finances, and the degraded authority, of the English monarch. Considering how much the royal credit had been impaired by the late resolutions of the commons, with respect to the anticipations of the revenue, even the ordinary expences of the king's household and person required that rigid œconomy to which the former habits of Charles were but ill adapted. Should his expectations of supply be once more disappointed, should ano-

<sup>110</sup> Journ. Commons, 10th January 1681.

<sup>111</sup> Ibid.

ther parliament prove equally averse to a reconciliation and every scheme of a compromise with regard to the succession, he might then appeal to the reason and the compassion of his subjects, while with reluctance he was compelled to discontinue the meetings of parliament, and to deviate from the legal and the ordinary methods of supplying the necessities of government.

CHAP.

III.

1681.

That the king preferred the first of these alternatives, and really wished to be reconciled to his parliament, may be fairly concluded from the resolution to change the place of meeting. The exclusionists in parliament had hitherto taken their measures in concert with the city of London, and, from the immediate presence of a body of friends so numerous and so opulent, they acquired that fortitude and vigour, which rendered them indifferent either to the threats, the frowns, or the flattery, of the court.

As if the anti-courtiers had been aware that they must fight with the disadvantage of ground if the field of political combat should be changed, an attempt was made to prevail with the king, to retract that part of his proclamation which had appointed Oxford for the place of meeting. A petition was presented to him, subscribed by sixteen peers, in which number were Monmouth and Shaftsbury, which mentioned the premature dissolution of the two last parliaments in strong terms of reprehension, and represented the inconveniences and dangers which must arise from the holding a meeting of the parliament at Oxford.

The parliament met at Oxford on the twenty-third of March, one thousand six hundred and eighty-one. Sir William Williams was chosen

\*\*\* Somers' Col. vol. i. p. 105.

CHAP. speaker. The short duration of this session admitted of little variety of debate, and affords but few materials of political discussion. The king in his speech sharply reflected upon the obstinacy of the last parliament, in having spurned at concessions so reasonable and so generous as those which he had proposed for imposing limitations upon his successor, and said, that as he did not himself use arbitrary power, he would not permit it to be used by others<sup>113</sup>.

Bill of exclusion. The spirit of the commons was not broken or overawed by the change of place, or the menaces of the prince. The bill of exclusion was introduced by one of the London representatives in the name of his constituents<sup>114</sup>. A message was sent to the lords, desiring them to concur in an inquiry about the miscarriage of the bill relative to the repeal of the penal statutes against dissenters<sup>115</sup>. They inquired into the proceedings of the last parliament with respect to the impeachment of lord Danby<sup>116</sup>.

The king, from these expressions of the temper of the house, abandoned every hope of reconciliation. He eagerly laid hold of a disagreement subsisting between the two houses, as a pretext for dissolving this parliament. The commons had presented articles of impeachment to the peers against Fitzharris, who had been lately apprehended for treason<sup>117</sup>. The attorney-general informed them in his majesty's name, that he had already indicted Fitzharris, and intended to carry on the prosecution

<sup>113</sup> Journ. Lords, 21st March.

<sup>114</sup> Journ. Commons, 26th March. Grey's Debates, vol. viii. p. 309.

<sup>115</sup> Journ. Commons, 25th March.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid. 26th March.

against him according to the ordinary course of law. As it did not appear that the court intended to favour the criminal, and as it was insinuated that the commons wished. to accomplish some factious end, by wresting the prosecution out of the hands of the crown, the impeachment was refused, and Fitzharris reserved for the common course of justice.

CHAP.  
III.

1681.

The commons were inflamed with indignation at this refusal; they resolved that it was their undoubted right to impeach for treason, or for any other misdemeanor; that a negative in the present instance was a denial of justice; and that it would be a high breach of privilege, in any inferior court, to presume to judge in the case of Fitzharris.

Parliament dissolved.  
28th March.

The king, professing the deepest concern for these animosities, which, he said; deprived him of all hope of success and reconciliation, dissolved the parliament.

118 Journ Commons, 26th March.

## C H A P. IV.

*Causes of the Change in the Temper of the Nation from Loyalty to Disaffection.---Oppressive Government in Scotland.---Extraordinary Licentiousness in Conversation and Writing.---Extreme Dependence of the Crown.---Instability of the King, and Disunion of his Ministers.---Great Support of Opposition.---The Abilities and Influence of their Leaders. The Intrigues of France.---Observations.*

CHAP.  
IV.

1681.

**A**T the period at which we concluded our last chapter, the whigs had attained to the summit of popularity and of influence; and the power of the crown had sunk into the lowest state of depression. The same fervent spirit still animated individuals, and, in some future conflicts, prevailed against the court; but the prejudices of the nation began gradually to return to the side of loyalty, and the leaders of opposition, overawed by the severity of persecution, and doomed to a private station by the suspension of parliament, were deprived of that energy and support, which were necessary to make any effectual impression upon the prerogative.

*Causes of the change in the temper of the nation from loyalty to disaffection.*

In this place, therefore, it may be useful to interrupt our narrative, while we direct our attention to the principal causes which co-operated with the events already recited, to change the temper of the nation, from loyalty to disaffection; and excited those distrusts and jealousies and tumults, which brought it to the verge of a rebellion. The detection of a popish plot, real or imaginary, however alarming it might be, could not have produced



produced such effects, without the aid of adventitious circumstances; which not only seemed to strengthen the evidence, but contributed, in other respects, to depreciate the reputation and authority of the court, and to raise, in an opposite degree, the credit and influence of those who were at the head of the country party.

CH A P.

IV.

1681.

1. The conduct and the measures of ministry in Scotland, from the accession of the present king, exhibited an example of the most arbitrary and tyrannical system of government'. Instances of

Oppressive  
government in  
Scotland.

I 2

oppression

\* The effects of the restoration upon the political state of England and of Scotland were widely different. In England, after that event, many of the laws in favour of the rights of the subject, which had been passed by the long parliament, were adopted and ratified by the legislature. In Scotland, by a rescissory act, all statutes passed after 1633, were abrogated; and by various positive acts, the prerogative of the crown was extended to a degree that never had been known or claimed by any of his majesty's ancestors. See a narration of the state of affairs in Scotland, sent by the earl of Middleton to Charles II. *Miscellanea Aulica*, p. 173.

The expressions which the Scotch authors, after the period of the restoration, use, when speaking of the prerogative, which to English ears sounded as the most sulsome adulation, were literally true with respect to Scotland. "The king is an absolute unaccountable monarch. All jurisdiction stands and consists in the person of the king, proceeds from him, and is given and committed as he pleases" *Scotiz Indiculum. Temp. Car*

There were two material alterations, the one in the ecclesiastical, the other in the civil constitution of Scotland, effected in the reign of Charles II. 1st, By the act of supremacy, the king's power, with respect to matters of religion, was made absolute and independent, either on the clergy, or the States of Scotland. 2dly, The militia of Scotland, formerly restricted to the internal defence of the country, was entirely subjected to the authority of the king; and might be removed to England or Ireland, for any service which he required.

Arbitrary monarchy or despotism, established in a neighbouring kingdom, and vested in the person of their sovereign, could not fail to be highly alarming to the people of England, though it had existed only in speculation, or descended to him from remote antiquity, and in the way of hereditary right. But when it was observed,

CHAP. **oppression and cruelty, which, from their vicinity**  
 IV. **and frequent intercourse with Scotland could not**  
 be

1679.

observed, that absolute power was an innovation, even in the sister kingdom (compare note \*, chap. x.): that it was suggested and made effectual by corrupt ministers; and that there was too much reason to suspect that it was agreeable to the temper and inclinations of the prince; what had they not to fear? Would not he, if ever he enjoyed opportunity, extend the same claims to England? But the bare theory or principles of government in Scotland would not alone have excited such alarm in England. As we form our opinion of individuals in private station, and in the ordinary intercourse of life, from the habitual tenor of their actions, more than we do from any speculative system which they profess; so it is with respect to men who are vested with a public or magisterial character: our judgment and affections are influenced by the tendency of their executive measures and official conduct, rather than by the abstract principles and political maxims which are ascribed to them. If the government in Scotland had been conducted with mildness and temperance, the extravagance and danger of its claims might have been forgotten; but when the plenitude of prerogative, lately recognized by the legislature there, was exercised with wantonness and oppression almost unparalleled, under the most despotic prince; when its severities even exceeded its described and usurped pretensions, the people of England must have been treacherous to themselves and their posterity, if they had regarded with an indifferent eye the calamities of their fellow-subjects.

Examples of the oppressive government in Scotland are so various and so enormous, that one is at a loss to reduce them to any class, or to make any selection of them. There is not any species of tyranny; fines, arbitrary imprisonments, military executions, torture, &c.; that was not exercised, nor was there any order of men who did not, in their turn, groan under the iron rod of arbitrary power. Above all, the persecution of religious offenders in Scotland was conducted with such aggravations of perfidy and cruelty, as must necessarily have excited the indignation of all who heard of them, though they had not been immediately connected, either with those who inflicted, or with those who suffered by them.

Bishop Burnet compares the character of Charles II. to that of the Roman emperor Tiberius; and the great Mr. Hume adverts with derision upon the acrimony of the comparison. If the bishop had compared the oppression of Charles's government in Scotland, to that of Tiberius in any part of the empire, the observation

be concealed from their fellow-subjects in England, CHAP.  
 awakened the sympathy and afflicted the spirits of IV.  
 the generous and the humane, and infused uneasy  
 apprehensions into those who were jealous for their 1679.  
 own liberties. The discontented party in that  
 kingdom, having found that the complaints and  
 remonstrances, addressed to the king, were ne-  
 glected and disregarded, fondly turned their eyes  
 towards the country party in England, as the only  
 source of redress and deliverance. The account  
 which the disaffected in Scotland transmitted to  
 the leaders of opposition in England, with whom  
 they held a constant correspondence, were indus-  
 triously, and in terms by no means extenuating,  
 communicated to the people, who daily complained  
 of the violent encroachments of prerogative, and  
 trembled for the approaching subversion of their  
 own dearest privileges. The oppression of Scot-  
 land was contemplated as a prelude to that ty-  
 ranny, which, if not resisted with fortitude and  
 with

observation would have been perfectly unexceptionable. Nay,  
 perhaps, if the tempers of the emperor and the king had been  
 inferred merely from acts of severity which happened under their  
 government, the decision would not have turned out in favour of  
 the latter. Mr. Hume again observes, "that these violent pro-  
 ceedings in Scotland, under the ministry of Lauderdale, were  
 "very opposite to the natural temper of Charles." But the  
 apology is in some measure withdrawn, when he again adds, in  
 the next paragraph, from Burnet, "that Charles, after a full  
 "hearing of the debates concerning Scots affairs, said, I perceive  
 "that Lauderdale has been guilty of many bad things against  
 "the people of Scotland, but I cannot find that he has acted any  
 "thing contrary to my interest." Mr. Hume with propriety  
 adds, "a sentiment most unworthy of a sovereign."

The examples and effects of the oppressive government of  
 Charles in Scotland, are recited by the same author, with such  
 minuteness, fidelity, and perspicuity, and at the same time in a  
 manner so elegant and interesting, that I have not presumed to  
 enter into the detail of them. Hume's History, vol. vi. chap. 2,  
 4. and 7.

<sup>2</sup> Ralph, vol. i. North's Examen.

CHAP. with perseverance, would, ere long, be brought  
 IV. home to themselves. Consolations, however, were  
 1679. blended with their fears, while precedents of danger, and the aids of resistance, seemed to issue from the same fountain, and to be connected in the same view. From the discontents of a people brave and warlike, they indulged the hope of deriving support in the day of extremity, and were encouraged to resist every oppressive attempt with greater boldness and vigour. In consequence of this view of an associated interest, the parliament of England had repeatedly addressed the king to dismiss the duke of Lauderdale, the principal adviser of arbitrary proceedings in Scotland<sup>3</sup>. The earl of Shaftsbury, the most illustrious champion of opposition, expatiated upon the grievances of Scotland in a memorable speech, which he delivered upon the state of the nation in the parliament of England. He endeavoured to impress his hearers with a veneration for the antiquity, the dignity, and the bravery, of the people of Scotland; he wished to interest their affections by ties the most tender and endearing. It was not for strangers and for aliens, but in behalf of their own sister and nearest relation, that he now attempted to awaken their compassion, and to engage their friendly interposition. If more generous principles could not move their hearts, yet of their own interests surely they would not be regardless. From the same advisers and agents, the same measures might naturally be expected in every corner of the kingdom. If the poorer country was rendered a monument of peculation and of oppression, could the richer one hope to escape the depredations of tyrannical and rapacious rulers? If the nobility of Scotland were spoiled of their privileges,

25th  
 March  
 1679.

<sup>3</sup> Journ. Commons, 13th January, 1674, 14th April, 1675.

leges, which, through a long and illustrious line of ancestors, they enjoyed, how vain were it for the people of England to expect to maintain their independence, and Magna Charta, inviolate &c. CHAP. IV.  
1679.

This speech was immediately committed to the press, and several copies of it were sent to Edinburgh by the first post, as a testimony of the sense of that common interest and affection which united the discontented in both kingdoms; and of the reciprocal influence which each imparted to the other'. If the discontents in Scotland supplied fuel to those flames of opposition which had begun to kindle in England, so, on the other hand, from the sympathy and the countenance of so powerful a body as the leaders of the country party, the disaffected in Scotland derived fortitude in struggling against that oppression, under which, if left to themselves, they must have sunk into despair.

2. An unbounded licentiousness, both in speech and writing, prevailed after the dissolution of the second parliament, propagated suspicions, and fomented jealousies of the government, and easily disposed the people to adopt any measures, however violent, which were suggested by the overheated zeal of their leaders. When Charles ascended the throne of England, the nation, wearied with the struggles of a civil war, and the commotions which followed the subversion of monarchy, panted for the re-establishment of order and of tranquillity. Whatever difference of sentiment still prevailed with respect to subjects of a political nature, all ranks of men, after the restoration, seemed to agree to a spontaneous suppression of them, and to a total cessation from controversial hostilities. Divided as they were by religious opinions and denominations, they avoided, with a

\* Echard.

† Ralph.

CHAP.

IV.

1679.

16th  
March,  
1672.

studied caution, those subjects which tended to revive disputes and animosities concerning politics. While the claims of prerogative were moderate, and the obedience of the subject prompt and cheerful, it appeared an idle and dangerous curiosity to inquire how far regal authority might be extended, and where the resistance of the subject ought to begin. The king's declaration of indulgence to the dissenters, published in the year one thousand six hundred and sixty-two, as it was relinquished upon the remonstrance of parliament, so it was considered as an unguarded act of a benevolent heart, rather than any indication of a tyrannical spirit, or of an over-rated estimation of the powers of prerogative. But when the same claim to dispense with law, was again resumed, in conjunction with the most arbitrary measures; when the king set his parliament at defiance, by announcing his determination of adhering to his declaration; when the odious doctrines of passive obedience and of non-resistance were imposed upon the subjects by the solemnity of an oath, and all freedom of inquiry and of debate suppressed, by which the errors of government are controlled and the spirit of the constitution is invigorated; then it was that inattention became criminal, and acquiescence stamped with cowardice and disgrace. The people were invited, as they tendered their dearest interests, to survey, with a jealous eye, those landmarks which divided the property of the different constituent powers of government. The spirit of inquiry was roused; the press teemed with political publications; questions of government became the subject of common conversation; and, at last, produced a declaration of sentiments which characterised parties<sup>6</sup>. Two acts, which had

<sup>6</sup> See Publications of the Times. State Papers. T. C. 2. Somers' Col.

been

been passed in the second parliament of Charles, one for regulating the press, the other for preventing abuses in printing seditious books, were found to have been only of limited duration; and, by fair and legal construction, to expire with the first session of the third parliament of Charles<sup>7</sup>. A proclamation was issued by the crown for the suppression of coffee-houses, which were considered as seminaries of sedition and offices for the fabrication of political lies, and the measure was justified by a strained interpretation of the law<sup>8</sup>. The temporary advantages, which the crown gained by the suspension of argumentative hostilities, were more than counteracted by the additional violence, by which they broke forth when allowed their full scope. As the torrent, which has been for a while stemmed and obstructed, gradually collects accumulated force, and, at last, bearing down every resisting mound, rushes forward with more rapid and expanded desolation; so those apprehensions of grievances and dangers, which might have evaporated with utterance, swelled and multiplied under the pressure of constraint, and, in the day of toleration, came forth with all the exaggerated horrors of a gloomy imagination. Every incident was improved, every prejudice wrought upon in the most artful manner, in order to bring into discredit the late measures of government, and to blacken the characters of those who pursued them. To those who were fired with zeal for the honour of their native country, she was held forth as the derision of foreign nations: popery and arbitrary power were sounded in the ears of those who were friends to liberty and the protestant religion. The Roman catholics, already

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IV.

29th Dec.  
1675.

<sup>7</sup> Journ. Commons, 2d April 1679.

<sup>8</sup> North's Examen p. 138.

CHAP. too much the objects of popular odium, were re-  
 IV. presented as the instruments of the late conflagration in London, and of all the calamities which had befallen the nation since the commencement of the present reign. These, however, it was asserted, were but slight, in comparison of the destructive schemes which were now forming<sup>9</sup>. Blood, and horror, and desolation, were represented as hovering over the nation.

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To give more regular and more extensive influence to this plan of detraction, clubs and associations were formed, which met at stated times in different quarters of the city<sup>10</sup>. The object of these clubs was to court and to inveigle proselytes to opposition, and to seek after the fittest instruments to co-operate with them in disparaging and embarrassing measures of government. They were charged to listen with open ears to every surmise of public danger, to every story disgraceful to the character of the king, and of the duke of York, and to disperse them with the utmost expedition throughout the kingdom. Even the characters of the most inconsiderable partisans of the court

<sup>9</sup> See Publications of the Times, particularly an appeal from the country to the city.

<sup>10</sup> The most celebrated of these was the *Green Ribbon Club*, which consisted of two hundred persons, devoted to opposition and to the bill of exclusion. Sir Robert Payton, who incurred the censure of the house of commons for having made his peace with the duke of York, being questioned by the house, informed them, that the duke of York said to him—"You have been against me, sir Robert, you was a member of the *Green Ribbon Club*."

He was afterwards expelled the house of commons for being reconciled to the duke of York; and the speaker, alluding to his former character, addressed in him these words—"You are fallen from being an *angel* to be a *devil*; you were bustling in this house and in coffee-houses; your country chose you to be an example to other men, &c. &c." Grey's Debates, vol. viii. p. 137. 149.—Reresby.

were



were scanned with malignant criticism, and their influence at elections often defeated, by fictitious or exaggerated aspersions transmitted to their electors. The principal members of those associations maintained an intercourse with foreign ministers, and, by their aid and information, were enabled to communicate such descriptions of foreign affairs as seemed best fitted to answer the views of their party'. The success of these various artifices of the country party was fully answerable to their most sanguine expectations. From the city of London, as from a poisoned fountain, issued those streams, which communicated disease and infection to the remotest provinces of the kingdom. Faction, discontent, and tumult, universally prevailed.

It is true, at the same time, that the court was not less active, or more delicate about the methods employed to sustain its authority, and to blast the projects of its antagonists. The judges were made the instruments of royal vengeance; forced constructions were put upon expressions contained in publications against the court, and punished with unconstitutional severity'. Nor were the writers for the government restrained by any respect to truth or decorum. The basest motives of conduct were ascribed to the most respectable persons who acted upon the side of opposition. Many of the lawyers officiously obtruded their opinion upon matters in dispute between the king and his subjects, and with sycophantic adulation supported and approved of the arbitrary measures of the court. Both of the universities reprobated the

<sup>1</sup> North's Examen.

<sup>2</sup> Journ. Commons, 23d December 1680. State Trials, vol. iii.

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doctrines laid down in patriotic publications, and sustained the arbitrary claims of the court with the sanction of classical authority<sup>13</sup>. To the reproach of the established church, it must be owned, that truth and patriotism were often sacrificed to the view of preferment, while the maxims of a religion friendly to the original rights and the happiness of mankind, were perverted to favour political principles, tending to degrade and to oppress the human race<sup>14</sup>. It is certain, however, that the country party gained more by the abuse of liberty, and the licentiousness of polemical authors, than the court did by the arbitrary extension of law, and the flattery of its literary retainers. If equal abilities and industry had been brought forward upon both sides, yet publications, which studied the interests and flattered the prejudices of the people; and were moreover recommended by the never-failing attraction of novelty, must have obtained the advantage, by more deeply impressing the understanding, and by agitating the passions of men.

Extreme  
depend-  
ence of the  
crown.

3. The extreme dependence of the crown, and its narrow influence, still farther diminished by the instability of the king, and the disunion of his ministers, removed the awe which must have controlled an opposition to a powerful and steady prince, supported by an administration united among themselves, and consistent and firm in the prosecution of the measures which they adopted. At the period of which we now treat, the authority of the crown of England depended more upon opinion and affection, ever variable and uncertain, than it did upon the possession of those inherent faculties and wide dependencies, which,

<sup>13</sup> See Address of the Templars of Oxford and Cambridge. State Papers, T. C. 2.

<sup>14</sup> Burnet, 1679.

by operating upon the understanding and the interest of men, produce a more uniform and efficient influence. While inequality of wealth and fortune prevailed to a greater degree, and subordination of ranks was distinguished by wider intervals, more implicit respect was paid by persons of inferior to those of superior station; and the highest ideal dignity was, in general, annexed to the office and person of the sovereign. The party of the tories, which comprehended the greatest proportion of persons of landed property, looked up to the throne with idolatrous veneration, and maintained, in theory, maxims concerning the prerogative, repugnant to the principles of a mixed government. But there were other circumstances which counterbalanced these prejudices, and rendered the power of the crown not less formidable, but more precarious and feeble, than it has been, since the privileges of the subject and the prerogative of the prince have been ascertained and regulated by the bill of rights. A scanty revenue, obtained with difficulty and after much solicitation, and levied not without considerable deductions, afforded the prince a penurious subsistence, without leaving any fund for those gratuitous donations, which, even when they are bestowed with the purest motives and unimpeached propriety, extend attachments to the court, by awakening gratitude for past and expectation of future favours. The enlarged compass of the British empire has increased the stock of royal favours, and created new dependencies and new additions to the power of the crown. An extensive commerce has introduced streams of wealth, which enable the nation to sustain unprecedented burdens of debt with untainted credit, and engage its most wealthy and powerful inhabitants to uphold the energy of government, and to maintain the

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CHAP. the line of succession in its due course. A stand-  
 IV. ing army, numerous and well disciplined, operates  
 1679-80- to the same effect, and affords the king and the  
 81. government a security against intestine tumults,  
 more effectual than that servile awe which was  
 obtained by the examples of vengeance, inflicted  
 under the authority of corrupt judicatories.

In proportion as the power of the crown was  
 dependent and stunted in its root, the delegation  
 of its authority was impotent, contemptible, and  
 easily shaken by the attacks of opposition. In the  
 reign of Charles, not only general subjects of pub-  
 lic concern, but such measures as belonged pro-  
 perly to ministerial departments, were introduced  
 in both houses by private members unconnected  
 with the court. Sometimes the most obnoxious  
 measures pursued by the crown were withheld from  
 the deliberation of parliament, and often carried  
 on, in the most clandestine way, without the  
 participation, or privity of ministers themselves.  
 In order to put a stop to measures offensive to him,  
 the king was forced either to have recourse to  
 premature prorogations, or the exercise of his ne-  
 gative power, by which the course of important  
 business was interrupted, and the discontents of  
 the nation were excited.

Instability  
 of the  
 king, and  
 diffusion of  
 his minis-  
 ters.

4. Under so many disadvantages, one would  
 have imagined, that internal union between the  
 king and his ministers must have appeared to be  
 an object of the first consequence. Through the  
 whole course of this reign, however, this object  
 seems to have been but little attended to, or at  
 least never to have been obtained. During the  
 first and most peaceable period of his government,  
 the king frequently departed from those measures  
 of which he had approved, in concert with his  
 ministers. The members of the cabal, selected  
 for the prosecution of the most dangerous designs,  
 were

were but partially intrusted with the king's CHAP. secrets, and imperfectly informed concerning the IV. business in which they were employed, either to 1679-80- advise or to assist him. After the dissolution of 81. the cabal, lord Danby, at the head of the treasury, and lord Arlington, president of the council, watched every opportunity to undermine each other, and espoused different opinions, upon questions relative to the public business. The new council, suggested as a healing measure, after the fall of lord Danby, was composed of persons opposite in their sentiments, and hostile to one another, from the remembrance of past injuries. Hence it soon appeared necessary to form a smaller combination of the council, in order to retain any decent degree of respect to ministry, or consistency in their decisions. Lords Essex, Sunderland, Halifax, and sir William Temple, were, at first, unanimous in their sentiments, and bore an ascendancy in the council<sup>13</sup>. They, however, soon differed in opinion about the bill of exclusion, and the dissolution of the second parliament. The precipitancy of the king, in taking measures both without, and contrary to the advice of the council, lost him their confidence, and threw the influence of its principal leaders into the scale of opposition. Persons high in office widely differed with respect to the plans which ought to be pursued, in order to avert the dangers with which the nation was threatened, by the succession of a prince attached to the Roman catholic religion. Lord Shaftsbury and sir William Temple, from different motives, opposed the expedients which the king offered instead of the bill of exclusion. The former, president of the council, was at the head of that party which proposed an absolute ex-

<sup>13</sup> Temple's Memoirs.

clusion,

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clusion, and expressed himself, in every stage of that debate, in terms highly disrespectful to the duke of York. Lord Halifax, at the same time in office, contended for the scheme of limitations upon a popish successor. Lord Sunderland, secretary of state, first adhered to lord Halifax's opinion, but afterwards changed it, and became the most strenuous advocate for the bill of exclusion<sup>16</sup>. Such discordant sentiments among the ministry and the council, in matters of the greatest moment, betrayed evident symptoms of a feeble government, and of a declining prerogative; raised the spirit of the anti-courtiers; and urged them to more daring and more violent plans of assault. The versatile disposition of the king, exemplified in the preceding years of his reign, and his predominant love of ease, co-operated with all these causes, and impressed the minds of the country party with a full persuasion, that obstinate and indefatigable perseverance would finally ensure the accomplishment of their designs, and the pre-eminence of their influence.

Great support of opposition.

5. The favourers of the exclusion derived courage and boldness from the patronage of persons of the first rank and influence, who had no ostensible obligation to interpose in the business of the nation, as well as from the abilities, the activity, and the interest of those, who avowedly stood forth as the champion of their cause. The States of Holland sent memorials to their agent in London, instructing him to intreat the king, in their name, to assent to the bill of exclusion. Such a partiality to the sentiments of opposition, ultro-neous and intrusive, was well understood to have been encouraged by the approbation, or even in the first instance suggested by the advice, of the

<sup>16</sup> Burnet. Reresby. Chanderler.

prince of Orange'. The desire of conferring CHAP. an obligation upon a person, who, by the very IV. measure he encouraged, was brought nearer to the crown, and the prospect of preferment and of reward flowing from his gratitude, could hardly fail to quicken the zeal, and to multiply the number of the exclusionists. The duchess of Portsmouth, flattered with the hope of raising her son, the duke of Richmond, to the throne, attempted by her charms to sooth, and by her importunity to constrain the king to comply with the desire of the nation, by excluding his brother from the accession'.

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Among the champions of opposition to the court, the earl of Shaftsbury, the duke of Monmouth, and lord Russel, deserve to be particularly mentioned, on account of the great accession of strength which each of them brought to the cause he patronised. Of the abilities of lord Shaftsbury I have already spoken, and need not recount the advantages his party derived from the most ardent and indefatigable exertion of them. Though he was, in reality, the head or the leader of opposition, his discernment pointed out to him the propriety, as well as the advantage, of assigning to the duke of Monmouth the nominal precedence in the party he espoused. With Monmouth he formed the most intimate connection: to his promotion he professed to devote his talents. The pretensions which Monmouth assumed, and the address with which he managed them, inspired his party with boldness, and suggested the most flattering expectations of success'. He was master of all those qualities which seldom fail

The abilities and influence of their leaders.

'7 D' Avenant.

'8 Burnet.

'9 Echard. Reresby.

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81.

to attract attachment, even upon slight acquaintance. His person was comely and well-proportioned: he excelled in feats of agility, which improve and display an external gracefulness, and by the affability of his conversation he won the affections of the people. More important qualifications recommended him as the fittest person to be placed at the head of the whigs, and to be set up as a rival in the succession to the throne. He professed a warm zeal for the protestant interest; he was beloved by the army, and popular in the city of London; he experienced the strongest testimonies of the king's partial affection; he was created a peer, made a privy counsellor, and promoted to the rank of commander in chief of his majesty's forces. A rumour was industriously spread, that Charles had been privately married to his mother, and that, by proximity of blood, he stood first in the line of succession<sup>20</sup>. From all these circumstances, men of sober reflection and prudent conduct considered Monmouth's succession to the throne as an event by no means improbable. Some were even persuaded, that by favouring his ambitious projects, they were gratifying the private wishes of the king; and that whatever he pretended, yet he secretly wished to find a plea in the necessity of his affairs, for sacrificing the interests of his brother to the dictates of fond affection to his son. The friends and the confidants of Monmouth cherished this delusion; they had the boldness to declare, that his succession would be acceptable to the king: they made use of it as an argument with the king of France, to prefer the connexion of the whigs, and co-operate with them in establishing the succession of Monmouth<sup>21</sup>. The duke of York, notwithstanding

<sup>20</sup> Reresby.<sup>21</sup> Dalrymple, Ap. p. 285.



the strong promises he received from his brother CHAP.  
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of adhering to the lineal succession, beheld his attachment to Monmouth with painful anxiety<sup>22</sup>. 1679-80.  
The banishment and the dismissal of Monmouth<sup>81</sup>.

from all his offices; the repeated reservations of the king in behalf of his brother, while he professed his willingness to yield to every other expedient for securing the protestant religion; the most solemn declaration in the privy council, that he never had been married to Monmouth's mother; were insufficient to efface that combination of impressions which disposed a great part of the nation to resist the measures of the court.

The respectable character of lord Russel, not less than the popular manners and specious pretensions of the duke of Monmouth, brought a mighty reinforcement of interest to the party with which he acted. 'There is hardly any situation in which virtue ceases to attract esteem, or to be useful to the connexions of the person to whom it is ascribed. There was not a person in the age in which he lived, more universally esteemed than lord Russel; his candour, his integrity, and his firmness, were applauded by every rank, and by every party. The versatility and the violence of Shaftsbury might well excite suspicion of the motives, which induced him to inlist under the banner of opposition. If the capacity of Monmouth had been more extensive, and his judgment more penetrating than they were admitted to be, yet the interest he had in defeating the established course of succession, was too obvious to give any farther weight to his political opinion, than what might be collected from arguments, which fell within the comprehension of every individual. But the great reputation of lord Russel, his established

<sup>22</sup> Life of James.

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credit for honour and for patriotism, invested his opinion with a high degree of authority, and biassed the inclinations of thousands of the most virtuous citizens. When it was observed that lord Russel was not merely accessory to the measures carried on against the court, but that he was the prime mover and most *active* agent in them; and that if ever he departed from that gentleness and moderation, which rendered him the favourite of all with whom he conversed, it was in the prosecution of his schemes of opposition to the court, his antagonists were staggered and discouraged, while his adherents were inspired with a consciousness of dignity and rectitude, which prepared them to submit to every difficulty and danger in support of the cause which he patronised. Thus, by the junction of various and even of opposite interests, and by the internal aid of persons most illustrious for abilities, for rank, and for virtue, the exclusionists were enabled to protract a struggle against the sovereign, which must have quickly come to an end, if it had been maintained by the unassisted influence of those who were actuated by interest, resentment, or the contracted spirit of a party.

The intrigues of  
France.

6. The intrigues of France contributed to exalt and to strengthen faction, to embarrass government, and to keep alive the tumults and internal dissensions of England, at the period we have reviewed. Lewis the fourteenth, instigated by an insatiable thirst for military glory, as soon as he received the reins of government into his own hands, began to execute those plans for the extension of his territories, which had been instilled into his mind with the first rudiments of his education<sup>21</sup>. The frontier towns in the low

<sup>21</sup> Colbert.

countries adjacent to the borders of France, were the first obstructions to be removed, in order to open a wide field for his warlike exploits. The frivolous complaints upon which he was to break with Holland, were not sufficient to disguise his ambition, so as to impose upon the understanding of Charles, who, upon that event, as Lewis foresaw, would be called upon, by the ties of blood and the obligations of justice, as well as by the predominant inclinations of his people, to employ mediation and arms in behalf of his injured relation. The character and the circumstances of the king of England suggested to his crafty neighbour another method for the securing of his neutrality, or even for the obtaining his direct assistance, to subdue the States of Holland. Profusion, uncontrolled by any principle, either of probity, or of honour, renders the influence of corruption irresistible. A large pension was offered by the king of France, to supply the necessities of Charles, and to retain him to his interest<sup>24</sup>. The personal solicitation of a sister whom he loved, seemed to enhance the generosity, or to palliate the indignity of the offer: the violation of the triple alliance and a second Dutch war were the acknowledgment and return demanded of the king of England, for prostituting his dignity, by becoming the pensioner of France. The general aversion of the nation to that war, the scanty supplies granted by parliament, and the increasing discontents of his people, at last subdued the fortitude of Charles. He was compelled to abandon his connexion with France, and to conclude a peace with Holland.

If Charles had adhered to the system of politics which he then adopted, and fulfilled the en-

<sup>24</sup> Dalrymple, Ap. p. 14, &c.

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ments of the triple alliance, he would equally have consulted his own honour and the interest of his kingdom; he would have been respectable in the eyes of foreign states, and would have regained the affections of his people. His original partiality to France, cherished by the influence of mistresses and of corrupt ministers, and the prospect of enlarging his power, again rendered him an easy prey to the intrigues of Lewis. A political system, so derogatory to their honour, and so repugnant to their affections, excited a general indignation among the people in England. The parliament caught their sentiments and their spirit, to which they added a zeal for the church of England, endangered by the suspected defection of the royal family, as well as by the alliance with the court of France. From this period, the humbling the power of that kingdom was pursued by the parliament with determined perseverance, which had nearly attained its object, in spite of the open resistance and double dealings of the court. This success exhibited, to Lewis and to all surrounding states, a display of the power of the English parliament. United and firm, it could not fail to maintain the absolute direction of the political system of Europe. It was in vain for Lewis ever to hope for the aid of the English parliament, in contradiction to their declared sentiments, and the most inveterate prejudices of the nation. What could he do? By disuniting parliament, by gaining over to his interests the leaders of parties, by fomenting intestine discords, he might still secure the neutrality of England, or render her incapable of impeding the career of his usurpations on the continent. His agents were instructed to address the popular leaders in England, by every argument calculated to flatter their principles, awaken their fears, allure their ambition,

tion, and captivate their avarice<sup>25</sup>. The king's CHAP. IV.  
 thirst for independent power, and his desire of  
 maintaining a standing army, the instrument for 1679-80-  
 the accomplishment of it, were represented as se- 81.  
 rious grounds of alarm. Beneficial amendments  
 in the constitution might be obtained, provided  
 they so far kept measures with France as to pre-  
 vent her interference, to second the arbitrary  
 views of Charles: money was scattered with a  
 profuse hand: the king and the country party  
 were alternately the dupes of the intrigues of the  
 French court, as best promoted her designs<sup>26</sup>.  
 Charles and his parliament were divided: the  
 honour of the English nation was tarnished; and  
 its true interest neglected. If Charles and his  
 parliament had not been led by the artifices of Observati-  
 France to cherish the idea of a separate and an in- ons.  
 compatible interest, neither of them could have  
 run into those excesses which brought the consti-  
 tution to the verge of ruin. If Charles had ex-  
 pected no supplies but from the liberality of his  
 parliament, he never would have dared to pursue  
 arbitrary measures, or to make innovations upon  
 the constitution. If the leaders of the popular  
 party had not been bound by engagements to  
 France, they would not have withheld supplies  
 for entering into a war which afforded the fairest  
 opportunities for controlling her power; they  
 would not have made patriotism subservient to  
 private resentment, by the prosecution of a mi-

<sup>25</sup> Novemb. 1677. Dabrynpk, Ap. p. 129.

<sup>26</sup> Grey's Debates, vol. vii. Lords' Debates, vol. i. Pam-  
 phlets of the Times, particularly, *Fiat Justitia ruat mundus*.  
 Dugdale's Reply. The Case put concerning the Succession, by  
 L'Elfrange. A Seasonable Address to both Houses of Parlia-  
 ment, concerning the Succession.

## C H A P. V.

*Motives of Opposition to the Court.---Dread of Popery.---  
The Bill of Exclusion.---Arguments for it.---Arguments  
against it.---Reflections upon the Conduct of Opposition in  
the preceding Period.*

CHAP. V. **F**ROM the dissolution of the second parliament of Charles, the terror of popery was the professed principle, which actuated in every parliament the party in opposition to the court. The bill of exclusion was suggested at an early period, and pertinaciously adhered to, as the only measure by which the impending dangers of popery, and of arbitrary power, could be averted. Were the fears of the nation well founded? Was the remedy proposed equitable, prudent, or even practicable; or did the method by which it was enforced promise success, or prove consistent with every duty of the man, the subject, and the citizen? According to the solution of these questions, we must form our opinions concerning the sagacity, the patriotism, and the virtue, of individuals, and of parties, so far as relates to their public conduct.

*Motives of  
opposition  
to the  
court.*

In order to form a candid judgment of the morality of actions ascribed to individuals, or to societies, in ages or countries remote, it is necessary to pay a strict regard to their peculiar situation, and to the predominant prejudices connected with it. Considering the formidable apprehensions of the Roman catholic religion, which were excited by

by recent facts, and which pervaded all the re-  
 formed nations; the intrigues and the active  
 spirit of jesuits, surrounding the royal family; the  
 avowed conversion of the next heir of the crown  
 to popery; the notorious bias of many of the  
 first rank to the same religion, and the suspected  
 faith of the king; it is not a matter of surprise,  
 that fearful suspicions haunted the imaginations of  
 his protestant subjects, and disposed them to listen  
 to rumours of plots, and of conspiracies, imputed  
 to the friends and emissaries of Rome. It requires  
 no affectation nor stretch of candour to admit,  
 that the people at large gave full credit to the plot.  
 In proportion to the natural timidity of the mind,  
 or the strength of prejudice, persons of more li-  
 beral education and rank are carried down with  
 the torrent of popular delusion. A tale often re-  
 peated, and familiar to the ear, loses the absurd-  
 ities with which the first recital of it shocks the  
 hearer; and, by fixing an indelible impression  
 upon the imagination, at last distorts the judgment.  
 Faith is fortified by the association of numbers, and  
 the indolent acquiesce in universal credit, as a solid  
 answer to objections, which would have been suffi-  
 cient to have overthrown opinions less popular. In a  
 free government, men of a factious spirit first che-  
 rish the weaknesses and the prejudices of the people,  
 and afterwards employ them, as the fittest engines,  
 to promote their corrupt views of gain and power.  
 There are many persons, by no means actively  
 and corruptly ambitious, who are yet destitute of  
 fortitude to resist those measures and those preju-  
 dices of which they disapprove; nay, rather than  
 forego the tranquillity they have derived from their  
 silence and neutrality, they at last make the tran-  
 sition to an open concurrence with the iniquity of  
 the times. It is not to be doubted, that, from  
 these sinister motives, the fears of the people were  
 encouraged,

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popery.

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encouraged, their passions inflamed, informers courted, witnesses tampered with and suborned, and innocent blood shed, with that profusion and wantonness, which never could have flowed from a conscientious, though a greatly deluded, zeal.

But supposing that no popish plot had existed, or entered into the imagination of the people, yet, had not the friends of the protestant interest solid grounds of jealousy and terror? Was not the danger, arising from the influence of a popish successor, obvious to every unprejudiced eye, and alarming to every true friend of the established religion and government? Did not the love of liberty conspire with religious principle, to recommend every precaution and expedient that was attainable, in order to preserve inviolate, those sacred and those civil privileges which constituted the glorious pre-eminence of an Englishman?

Bill of ex-  
clusion.

The bill of exclusion appeared the most effectual remedy to defend the associated interests of liberty and the protestant religion: it was therefore adopted with zeal by the commons, applauded by the great body of the people, and insisted upon with obstinacy, in defiance of the secret intrigues, and the open entreaties and remonstrances of the prince.

A review of the arguments adduced on both sides of this question, by far the most interesting that occurs in the course of this reign, is necessary, in order to attain to a clear and comprehensive view of the state of politics and of the character of parties.

Argu-  
ments for  
it.

On the one side it was pleaded, that dangers extreme and unprecedented, called for new and extraordinary measures of defence. Was it possible that any man could be so blind, as not to apprehend the utmost danger to liberty and to the protestant religion, from the succession of a prince devoted



devoted to the faith of the court of Rome? No-  
 thing but an overgrown pitch of zeal and of bi-  
 gotry could account for the temerity of the duke  
 York, in venturing to make an open profession of  
 this religion at so critical a conjuncture, and at the  
 hazard of being hereafter excluded from the suc-  
 cession to the crown. What activity might not  
 be expected from such zeal, and what success might  
 not activity, armed with power, be able to achieve?  
 What was to be expected, but that the royal  
 favours would be regulated and dispensed by the  
 dictates of a misguided conscience; and that the  
 bench, the navy, and the army, would be quickly  
 filled with profelytes to the Roman catholic faith;  
 nor would the members of the ecclesiastical es-  
 tablishment remain uncontaminated. If those who  
 held the most dignified offices in the church were  
 little alarmed about the fate of their religion; if  
 they were more than other men obsequious to the  
 will of the court; if they had hitherto afforded  
 the most steady support to the interest of the duke  
 of York; was it not a melancholy presage of a  
 complaisance, which might one day surrender the  
 essential rights and privileges of the protestant  
 church? Nor was it to be doubted, but that under  
 the auspices of a Roman catholic prince, new  
 members would obtrude into the sacred function,  
 with the treacherous purpose of subverting that  
 very interest which they solemnly engaged to pro-  
 tect. Under a popish prince, his favourite religion  
 must every day be gaining ground. But ancient  
 and modern history exhibited sufficient examples  
 to prove, that the religion of the prince soon be-  
 came the religion of the people. In the short pe-  
 riod of the reign of Julian, the churches were de-  
 molished, the temples arose with renewed splen-  
 dour, and were replenished with images. Chris-  
 tianity declined apace, and the darkness of idola-  
 try

CH A P. try again overshadowed the nations. While the  
 V. Roman empire was agitated with the Trinitarian controversy, with what strange flexibility did multitudes, in obedience to the imperial edicts, turn from Athanasianism to Arianism, and from Arianism to Athanasianism? More recent and domestic examples led to the same conclusions. Upon the succession of queen Mary, bishops, privy counsellors, and many of every rank, avowed her religion, who had passed for sound protestants in the reign of Edward the sixth. Upon the death of Mary, and the accession of a protestant princess, an inverted revolution of religious sentiments took place.

New converts to every religion have always been found most eager and most industrious to propagate their favourite opinions. Where a prince had imbibed the principles of the Roman religion from the prejudices of an early education, natural mildness of temper might perchance check its violent and intolerant spirit. Various occupations and amusements might divert the mind from yielding to the peculiar tendencies of the faith with which it was impressed: but, when a person born a protestant, had voluntarily made choice of the Roman religion, was not this a certain indication of a temper congenial with its spirit? What was to be expected, but that such a one would entirely surrender his mind to every impression, and to every tendency it was formed to promote; and, as far as his influence extended, advance them with implicit zeal?

It was impossible, it was argued, that any expedients, devised by human wisdom, could guard against such manifold and such pressing dangers. Like the cords of the Philistines, quickly broken by the returning strength of the Jewish champion, all limitations and restrictions, whatever might be expected

expected from them at a distance, would disappear C H A P.  
 at the touch of the royal sceptre: nor could the V.  
 most solemn promises and asseverations be relied upon, when pronounced by the same lips, and subscribed by the same hand, which assigned the supreme head of the church the power of dispensing with moral obligation; and even held it a meritorious deed to break faith with heretics. Whatever obedience the prince exacted from his own subjects, he would think himself bound to yield to the spiritual sovereign, to whom he had voluntarily devoted himself. The temper, the dispositions, and the wisdom of the prince, however superior they might be, could be of no avail to his subjects. The pope, the sovereign of the sovereign, would rule with absolute sway in the councils of the English cabinet.

There was no occasion to resort to foreign history for examples of the melancholy effects of superstitious tyranny upon the minds of its royal votaries. In the annals of the British story, there is not an example of conduct more disgraceful to royalty, than that of queen Mary to the men of Suffolk. Did not she solemnly promise, that they should enjoy the free exercise of their religion? They too easily believed her, and became the chief instruments of seating her upon the throne. Faith and gratitude were violated: the pangs of remorse and the struggles of honour were extinguished, by the stern dictates of priestly authority; and the first exertions of her power were displayed, by consigning to the flames the very men who had conferred it. The gunpowder plot, the massacres in Paris and in Ireland, were tremendous evidences of a spirit of violence, which no ties, neither sacred nor civil, were sufficient to letter or to tame.

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Precedents of law were not wanting to justify a measure recommended by reason, necessity, and fear. The right of Henry the fourth was entirely founded upon an act of parliament; the right of Henry the seventh was also established by an act of parliament: and did not his son Henry the eighth virtually acknowledge, that the power of altering the succession was vested in parliament, when he applied for a statute, as often as his fickle affections led him to change the succession of the crown? In the first year of queen Elizabeth, parliament recognized her title. Did they not repeatedly extend their authority to the future succession, by enacting, that whosoever should claim their title to the crown during the life of Elizabeth, should be rendered incapable of succeeding to it?

To those, who had embarked on the side of exclusion, there appeared no safety but in success. They were in a situation like that of an army which had penetrated far into an enemy's territories, and were encompassed with barbarians, who knew not what it was either to give or to take quarter. Their own destruction, or the destruction of the enemy, were the only alternatives left to their choice. By promoting the bill, they had provoked the vengeance of the duke of York; and should they fail of success, they must finally experience the full weight of that power which they wished to annihilate.

Argu-  
ments a-  
gainst it.

On the other side it was argued: — We are not to judge of the wisdom of any measure by the im-

<sup>1</sup> Grey's Debates, vol. vii. Lords Debates, vol. i. Pamphlets of the Times, particularly Lord Delamer's Speech. Brief History of the Succession. Vindication of the two last Parliaments. Somers' Collection, vol. i. Reasons for his Majesty's passing the Bill of Exclusion, *ibid.* &c. &c.

portance of the end which it proposes, or even by its fitness to obtain that end. A previous question occurs: Is the measure itself attainable? are there no intervening difficulties to discourage the hope of compassing that event, which appears so fair when contemplated in connection with remoter consequences? The object of the bill, the security of liberty and the protestant religion, an object in itself great and desirable, had led many to be advocates for the bill of exclusion, without considering the difficulties which obstructed the execution of it. But many political projects involve such inherent weakness as endangers their execution and success, though fortified with all the forms and sanctions of the law. This must ever be the case while the spirit of them runs contrary to justice, humanity, or the prejudices of the people.

Was it just to deprive the meanest subject of his birth-right, merely on account of opinions formed after a deliberate and conscientious enquiry? Could one who was so honest as to avow his faith, at the hazard of losing his crown, be suspected of being deficient in the fundamental principles of truth and of probity? Might not limitations and restrictions, confirmed by the oath or the promise of such a one, be relied upon, as affording a security more firm and more safe than what could be obtained by the mere letter of an act of parliament? However commendable the zeal of the exclusionists might be, yet it certainly had transported them too far, when they sought to violate the essential principles of justice. The refined sophistry of Loyala never invented a more execrable maxim than that, by which too many of the leading patriots seemed to justify their political conduct—that evil ought to be done for the sake of good; or that the pretended importance of the end could atone for the baseness of the means by

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which

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CHAP. which it was to be procured. *Ruat cælum, fiat*  
 V. *justitia*; the right of the duke of York came from  
 God; and to his providence alone it belonged to control and to punish the abuse of that right.

How much would it tend to the peace of empires, if christians could be persuaded to form their sentiments according to the original precepts, and the purest examples of their religion? Subjection to the powers that be, is the calm inoffensive temper of the followers of a Master, whose kingdom is not of this world. However important the tenets of the reformation, yet they cannot claim a preference to the fundamental doctrines of the Gospel; nay, they must derive all their value from their conformity to them. Nor is it possible that the multiplied and various sects of christians, when compared among themselves, can exhibit a greater opposition of system and of policy, than that which subsisted between idolaters and the worshippers of the true God. Yet did ever christians assert, that idolatry, the most gross and the most pernicious of all heresies, was a justifiable pretext for withdrawing allegiance, or relaxing obligations of obedience to the reigning prince? The apostate Julian repealed those edicts which invested christians with a legal claim to many valuable immunities. The christians lamented their calamities, and waited with patience for the interposition of a benign providence, because redress or deliverance obtained by their own hands, through breach of loyalty, was unwarrantable by the laws of their religion.

While the faith of different emperors, and sometimes in the same emperor, wavered between arianism and athanasianism, and alternately favoured the one and persecuted the other; arians and trinitarians divided among themselves, and dissenting  
 from

from the religious opinions of the prince, harmoniously coincided in the doctrine of allegiance to his person. CHAP.  
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It was contended, that great respect ought to be paid to the prejudices of their fellow-subjects, by avoiding the legal declaration which contradicted the predominant sentiments of the people. Faction, it was true, had produced a fleeting influence upon the opinions of the multitude. Exclusion was the clamour of the day : but still it was well known, that notions of prerogative ran high among men of the greatest weight and authority. From these the sentiments of the multitude must take their fixed and lasting impression. Supposing that the united assent of the king, lords, and commons, should be admitted, as authority sufficient to bind the sentiments of the people, yet after the aversion to the bill, so often expressed by the king, his assent could only be the effect of compulsion, which would render the act void and ineffectual, to enforce the submission of that part of his subjects, who, from other considerations, did not view it with a favourable eye. The acts of parliament of the fifteenth of Edward the third, and of the tenth of Richard the second, were repealed, because the king's consent to them was forced. Edward the fourth, Henry the seventh, queen Mary, queen Elizabeth, and king James the first, enjoyed the crown, though all of them were excluded by acts of parliament.

Supposing that England should unanimously accept the exclusion, it was probable, or indeed certain, that it must meet with opposition from Scotland and from Ireland. Was there not evident danger of rending and of dividing the different provinces of the empire? Of all national calamities, a civil war is the most destructive and the most deplorable. A controverted succession, and

CHAP. a civil war, are events combined and inseparable.

V.

The usurpation of Harold produced the Norman conquest: the contests between the houses of York and Lancaster were attended with the most tragical events that occur in the history of England: the richest provinces became desolate and uninhabited; many hundred thousands of the commons fell by violent hands; the nobility were extirpated. Could the uncontrolled tyranny of Rome be productive of more fatal disasters? Who can tell, if England, in such a crisis, shall be reserved for the evils arising from internal war among her own children! May not the zeal of Roman catholic princes engage them in a quarrel, and introduce devastation and blood by foreign hands? The vigilance of France to grasp at every opportunity of extending her power, and her attachment to the duke of York, rendered her interference certain. May not a jealousy of the infringement of prerogative, dearer to them than their religion itself, render even protestant princes indifferent spectators of the miseries of England; or dispose them to lend their aid to discourage a precedent which, one day, upon maxims equally popular and convenient, might be turned against themselves, and employed to limit their power and to degrade their posterity?

The members of parliament, who affected such zeal for liberty, were desired to attend with caution to the line of duty, and the restrictions of power which the law had prescribed to them. They are appointed guardians of the established government: they may introduce improvements in the spirit of the constitution, while the essential parts of it are maintained sound and entire. While the foundation stands firm, they may be permitted to embellish the superstructure, and to render it more commodious; but to alter the  
common



common course of the succession to the crown, was to offer violence to the essentials, and lay in ruin the pillars upon which the whole fabric of our constitution was erected. It was to change the constitution from an hereditary to an elective monarchy.

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It required no deep ingenuity to reply to the precedents and the statutes of former reigns cited by the exclusionists, and even to use them as arguments against that cause which they were intended to sustain. The consciousness of a defective right had induced princes to apply for a recognition of parliament, and to substitute law in the place of equity. Henry the fourth was an usurper, and was desirous of justifying his claim by the authority of a statute, because he knew of no other basis upon which it could stand. A statute of parliament had declared the marriage of Henry the eighth and Ann Bullen null and void, and consequently involved the illegitimacy of Elizabeth; it was therefore prudent and unnecessary to undo by parliament what had been done by parliament, and to remove, by a formal recognition, every objection to the title of that princess. The statute of the thirtieth of Elizabeth, disabling the next successor who should insist upon his title to the crown during the life of the queen, originated in jealousy, and terminated in oppression. It was intended to intimidate and to overawe those, who were inclined to support the pretensions of the unfortunate queen Mary, and to bring home the charge of guilt against her; and thereby draw the specious veil of law and of justice over the darkest transaction that stains the memory of Elizabeth.

Let the example of Elizabeth, in reference to the very point in dispute, be remembered: How did she frown upon parliament as often as they presumed to enter upon the affair of the succession,

CHAP. V. cession, or upon any point touching her prerogative; which she styled the chief flower in her garland?

It was recommended to the exclusionists, to take care that they did not exemplify in their own conduct, what they professed to fear and to avoid; while, by their own violence, they adopted the spirit and pursued the conduct of Roman catholics. The deposing of princes on account of their religion, the alienating their dominions, and the absolving their subjects from their oath of allegiance, were the most insolent and the most destructive acts of tyranny to which the court of Rome had ever aspired. And would a protestant parliament tread in the paths of injustice, and, without the name, display the tyrannical and malignant spirit of Roman catholics?

They were conjured, as they professed a regard to the honour of the protestant religion, to revere the sacred nature of an oath. What but jesuitical casuistry could reconcile the conduct of the exclusionists to the oath of allegiance, by which they became bound to be faithful to the king, and to his lawful heirs and successors?

Let the spirit of the constitution be regarded. To condemn a man unheard, was an usage unknown to the English law; and yet, by the exclusion, it was proposed, without any impeachment, without any evidence, to deprive a person of that regal authority, and of those exalted honours, to which his birth, as well as the laws of his country, gave him an undisputed title.

It was finally objected to the bill, that its object was of too personal a nature. Instead of excluding all heirs whatever, of the popish religion, from inheriting and wearing the crown of England, it was levelled only against James duke of York, whether he should be a protestant or a papist at  
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the time of the king's death. This procedure appeared to be the effect of private malice and revenge against the duke from individuals who had gone too far to retract, and imagined that their safety was endangered should he ascend the throne, rather than of any disinterested plan of securing the protestant religion against the insidious designs of a popish successor.<sup>2</sup>

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After a calm review of the arguments now detailed, it appears by no means easy to decide, with which of the parties the strength of the argument lies. When any measure implies a flagrant violation of reason or of justice, we are warranted, without any breach of candour, to ascribe it to the sinister influence of party, to motives of ambition, resentment, or popularity. But at a period remote from the heat of faction, where the advantages and the dangers appear so equally balanced, we may fairly give the credit of wisdom, and the praise of patriotism, to those who divided in opinion with respect to the question of the exclusion.

There were other measures pursued by opposition in the three last parliaments of Charles, the motives of which appear doubtful, and some of them carry the plainest symptoms of a factious and turbulent spirit.

Reflections upon the conduct of opposition in the preceding period.

The sanguinary violence with which succeeding parliaments prosecuted the discovery of the plot, their partiality to the evidence of the most infamous witnesses, the artifices by which they propagated suspicions against the innocent, and exaggerated the fears of a credulous multitude, have un-

<sup>2</sup> Grey's Debates, vol. iii. Lords Debates, vol. i. Pamphlets of the Times, particularly *Fiat Justitia ruat mundus*. Dugdale's Reply. The Case put concerning the Succession, by L'Estrange. A Reasonable Address to both Houses of Parliament concerning the Succession.

CHAP. V. fortunately enabled the enemies of the protestant religion to charge it with acts of cruelty, but little inferior to those atrocious deeds which stain the history of the papal inquisition.

The association bill, by which the members of both houses became bound to avenge the king's death, if that event should happen, upon the adherents to the Roman catholic religion, was a palpable act of injustice, inasmuch as it assumed for certain an event which was contingent, and laid the foundation of arbitrary and of ill-founded criminality. Under the mask of loyalty, it provoked danger from a new quarter; it proclaimed impunity to the protestant assassin, and suggested to the bloody enthusiast a safe method, for the satiating of his vengeance against that sect, which he hated and wished to extirpate.

If the commons had omitted to declare the right of the subject to petition the throne, after that right had been discouraged by the frowns and prohibited by the proclamation of the king, they might have been accused of a breach of trust with respect to the most important interests of their constituents. If not satisfied with ascertaining this right, they had confined their inquiries and their censures merely to their own members who had voted against the petitions, they might have appeared to unprejudiced spectators to have kept within the tract of a legal and temperate jurisdiction. But when they denounced vengeance against persons who had not been guilty of any breach of privilege, when they sent their messengers into remote parts of the country to apprehend persons of a private station, who, by fair argument, and by an open and avowed declaration of their principles, had opposed the late petitions, they trespassed upon the laws of moderation and of decency, and afforded their enemies too solid ground for retorting

torting the reproach of that arbitrary spirit which they ascribed to the court. CHAP  
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The resolutions of the commons, formed in opposition to the judgment given by the lords, with regard to the right of bishops to vote in cases of life and death, has been censured as an intrusion upon the jurisdiction of another court. If, however, any great national object had been at stake, the importance of the end, and the purity of the motive, might have palliated the error of a new and overstrained exertion of power; but when we trace this measure to the associated resentment of France, and of the country party, bent upon the destruction of a fallen minister, how mean and disgraceful does their conduct appear!

The zeal of the commons to rescue Fitzharris from a prosecution, already commenced against him in the courts of law, is not only liable to the same censure, as being a presumptuous interference with the established, constitutional forms of justice, but also tending to strengthen the suspicion of their having formed a design of employing him as the tool of corruption, best adapted to disturb the tranquillity of government.

If the conduct of the country party in the reign of Charles the second had appeared in every view unexceptionable, or even meritorious in the eye of an unprejudiced spectator, who lived at that period, and formed his opinion from such circumstances as fell under his own immediate observation, yet the most candid in our own time, who have had an opportunity of attending to the additional information, and the evidence fairly collected from records which have been lately inspected, cannot fail to submit, however reluctantly, to this conclusion, that base and mercenary motives swayed the conduct of many who stood in opposition to the court, and were enrolled in the list of patriots,

**CHAP. V.** patriots. Candour may dispose us to suspend our decision with respect to the guilt of individuals; nor is it consistent with its dictates, to blot, with the pen of a profligate ambassador, the names of illustrious persons, who were never even suspected of a base or an unworthy action<sup>1</sup>. But still, neither

<sup>1</sup> Though the fact be admitted, that the money of France was accepted by many of the whigs as the fee of opposition to the court, yet there is strong reason to doubt, whether the guilt really extended to all who have been charged with it. In the list of French pensioners, published by sir John Dalrymple, we find the names of Hambden and Sydney. Dalrymple, Ap. p. 315-316.

The opinion of cote-pormaries was extremely favourable to the characters of Hambden and Sydney. The latter was universally esteemed for integrity and honour; the French ambassador himself gives him credit for these virtues.

The character of Barillon, the French ambassador, who disbursed the French pensions, was in no view respectable; he was poor when he came from France into England, and returned rich to his own country. This circumstance alone naturally excites a suspicion, that he appropriated, to his own use, some part of that money which he received for dispensing bribes among the English members of parliament. It was necessary, however, that he should produce such a state of his accounts, as would make his receipts and disbursements correspond. He was in this view under a manifest temptation, to put down the names of persons who did not really receive money from him; a fraud was not likely to be investigated or detected. As Sydney and Hambden intrigued with him to prevent England from entering into a war with France, it would be more easily believed that they accepted of money, as a compensation for their services. When these circumstances are candidly considered, and the characters of Sydney and Barillon compared, it seems far more probable that the latter would maintain a falsehood, than that the former would receive the wages of corruption.

The late discovery of this transaction is a circumstance which invalidates its authority. The trial of Sydney was particularly cited after the revolution, as an example of the violence and severity of government in the reign of Charles the second, and as an indelible aspersion upon the character of the duke of York; who had, at that period, a principal sway in the administration of affairs. Both Lewis and James were abundantly disposed to make known every transaction and circumstance, tending to calumniate

ther the fact itself, nor the conclusion drawn from it, can be evaded. The money of France was profusely distributed among the members of the country party, and deep corruption must have somewhere existed among those who derived assistance from such base and such criminal means.

lumniate the memory of the patriots. It is not easy to conceive how a circumstance, so material to stain the character of Sydney, should have escaped the knowledge of James, when he resided at the court of France; or, if it did come to his knowledge, how he should have omitted to mention it in his Life.

To the character of lord Ruffel, Barillon himself gives the following testimony: "That when he was ready to distribute a considerable sum in the parliament, to prevail with it to refuse any money for the war with France, and solicited him to name the persons that might be gained, lord Ruffel replied, that he should be sorry to have any commerce with persons capable of being gained by money;" and he adds, what indeed throws a true light upon that mysterious intercourse which subsisted between the patriots and the French agents, "that lord Ruffel was pleased to see that there was no private understanding between Lewis and the king of England to hurt their constitution; Dalrymple, Ap. p. 133.

Lord Ruffel was the intimate friend of Sydney, and associated with him in political councils. Is it probable, that he would have given his friendship and confidence to a man who received five hundred guineas as a bribe from France; or, that such a circumstance, if true, should have escaped his notice? See Introduction to Lady Ruffel's Letters.

## C H A P. VI.

*The Influence of Opposition declines.—Causes of this.—Charles enters into a new Treaty with France.—Remains neutral while Lewis breaks the Peace of Nimiguen —Barillon intrigues with the Leaders of Opposition.—The Interest the Duke of York revives.—Influence of the Whigs in the City of London —Attempts of the Court to gain the Election of the Sheriffs in the City —Violent Measures for the End.—Quo Warrantos.—Timidity and Submission of the People —Detection of a Conspiracy —ruinous to the Whigs —The Court triumphant.----Death and Character of Charles.----Reflections,*

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The influence of  
opposition  
declines.

Causes of  
this.

**F**ROM the dissolution of the last parliament Charles, the influence of opposition began to decline, and at last sunk, almost without any hope of a revival, under the triumphant power of the crown. The causes which contributed to this event were many and obvious.

The more sober part of the nation, fatiated with the profusion of blood, shed in prosecution of those who were suspected of the popish plot, began now to repent of the cruelties into which they had been precipitated. They revolted with indignation from those persons who had abused their confidence and zeal, by rendering them subservient to their private schemes of ambition and of resentment. The natural feelings of the man, though their action may be suspended by the transient prevalence of passion, will ever and anon recur, and no political system, erected in opposition to them, will be attended with success,

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The heat and ferment with which the nation was agitated during the canvas for elections, and while questions, which affected the interest of parties, were depending in parliament, appeared to many a more intolerable grievance, than the worst effects they had experienced from the arbitrary exertions of prerogative.

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1681.

The unexpected firmness of the king, in adhering to his brother, discouraged the timid, while the concessions he offered with apparent symptoms of sincerity, gained upon the moderate part of the nation. The character of Charles for good nature, and the point of affection, the only thing he refused to yield to the importunity of the commons, excited the sympathy and compassion of many, who stood unconnected with either of the contending parties. Royalty seemed to be fallen into a lamentable condition, when the king condescended to appeal to the humanity and reason of his people; and to implore their mediation, to compose those disputes which embroiled the nation, and deprived him of their confidence and of domestic repose. Immediately after the dissolution of the Oxford parliament, a declaration was published in the name of the king, complaining of the insolent and factious spirit of the three preceding parliaments, and retorting upon them those violations of law and justice, with which they arraigned the court<sup>1</sup>. The insinuating style of this declaration, the fairness it professed, and the very circumstance of the time of reading it, after public worship, when the minds of the audience were softened by devotion, and prepared by exhortations favourable to its influence, produced a sudden and powerful effect, in gaining over proselytes to the royal party;

8th April.

<sup>1</sup> State Tracts, Temp. Car. vol. ii.

**CHAP.** and in disseminating unfavourable prejudices against  
**VI.** their opponents<sup>2</sup>.

1681.

The ablest and the most steady partizans of opposition lost much of their authority, when deprived of parliamentary pre-eminence, and reduced to the level of private citizens. Nor was it to be expected, that, in a solitary and dispersed situation, they could maintain that ardour of patriotism and that boldness of design, which had been cherished and invigorated by the sympathy and applause of a congenial multitude.

Want of success is often imputed as demerit to the political adventurer. When the members of parliament returned to their constituents without the fruits they had promised, they were exposed to censure for their temerity and confidence, in having excited expectations which they were unable to gratify. Had they acted with greater moderation and prudence, they might have procured some solid and lasting advantage to the constitution; but now they had left it in a worse condition, than that in which they had found it<sup>3</sup>. Before contending armies have come to action, the surrounding multitudes prudently wish to maintain a neutrality: but the moment victory has declared itself, they precipitantly rush to the triumphant standard. The late struggles of parliament, however ostentatious and spirited, now baffled and disappointed, only served to augment the power and triumph of the crown. Addresses, of congratulation, and of thanks, to the king for dismissing his parliament, were presented by many of the counties and corporations, not excepting those, which had shown the most forward zeal in supporting the exclusion<sup>4</sup>.

<sup>2</sup> Echard.

<sup>3</sup> Periodical Publications.

<sup>4</sup> Ralph, vol. i. p. 592. Somers, vol. vii. p. 328.

Meanwhile,

Meanwhile, another treaty with France administered subsistence to the English monarch, and was requited by the neutrality, with which Charles, regardless of his engagements to Spain, beheld the usurpations of Lewis upon the continent'. The peace of Nimiguen afforded but a transient hope of tranquillity to the parties, whose interests it had been intended to protect, and the very discussion of the terms upon which it had been formed, added new evidences of the treacherous artifice and restless ambition of Lewis<sup>6</sup>. His commissioners, who met with those of the allies at Cambray after the peace, in order finally to regulate all the disputes about limitations, brought forward, under the vague title of dependencies, the most extravagant claims upon Spain and upon the Emperor'.  
**Military**

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Charles enters into a new treaty with France. 1st April.

<sup>5</sup> This treaty was transacted on the 1st April 1681, and was not even committed to writing. The terms of it were, that Charles should disengage himself from the alliance with Spain: that he should either not call a parliament, or prevent it from taking any measures against France: that he should receive a pension of two millions of crowns from France for one year, and five hundred thousand for two years after. Dalrymple, Ap. p. 301. This seems to be the same treaty which is mentioned in the Life of James 1681. Extract vii. though the terms of it are represented as somewhat different.

<sup>6</sup> Reflexions sur la Regne de Louis XIV. p. 181-2.

<sup>7</sup> France claimed the greatest part of the dutchy of Luxemburg, as belonging to the dutchy of Mentz: she demanded Cleve from Spain with all its dependencies; under the same indefinite title she claimed Alsace and Little Brabant: she claimed Strasburg as the capital of Alsace, and prevailed upon the magistrates, by bribery, to deliver it into her hands on the 30th September 1681. Thus, when the claim of right was confused, by observing that Strasburg had been excepted in the articles of peace as a free city, France resorted to this plea, that, as a free city, it was entitled to chuse its own master. At the same time (Sept. 1681) a French garrison entered Cassel, the capital of Montferrat, by virtue of a treaty with the duke of Mantua, under whose sovereignty it was; but as a fief of the empire it could not be transferred without the emperor's consent. Variations de la Monarchie Francoise, tom iv. p. 248.

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**CHAP. VI.** Military preparations were still carried on with unremit-  
 ted industry in France, and there was reason  
 to suspect, that, by her intrigues, she was stirring  
 up the malecontents against the emperor in Hun-  
 gary<sup>8</sup>. The prince of Orange, who, upon the  
 foresight of the treachery of France, had strenu-  
 ously opposed the peace, now came over to Eng-  
 land, to solicit his uncle to enter into an alliance  
 with Spain, Germany, and Holland, in order to  
 give a check to the encroachments of Lewis. The  
 personal application of the prince was enforced by  
 the intreaties of the ambassadors of Spain and of  
 the emperor, and by the engagements he had en-  
 tered into with the former, seconded by the known  
 inclinations of his people and the advice of some  
 of his ministers<sup>9</sup>. The part which Charles acted  
 was hypocritical and evasive: he openly remon-  
 strated against the encroachments of France: he  
 even promised the Dutch and the Spanish ambaf-  
 sadors to call a parliament and to join in the con-  
 federacy; while he secretly intimated to France,  
 that he had no intention of performing these pro-  
 mises<sup>10</sup>. He was guilty of still greater duplicity.  
 It was agreed upon between Charles and Lewis,  
 that the latter should propose to refer the dispute  
 between him and Spain, to the arbitration of Char-  
 les. The court of Spain, suspicious of the inti-  
 mate connexion between Lewis and Charles, re-

Remains  
 neutral  
 while  
 Lewis  
 breaks the  
 peace of  
 Nimiguen.

These claims of France far exceeded what Charles understood to be included in the late treaty made with Lewis. He was greatly alarmed by them, not from any respect to the interest of the allies, but because he dreaded the discontents of his people, which might bring him under the necessity of calling a parliament. He remonstrated vehemently against Lewis for seizing Luxemburgh, but was pacified by receiving a million of livres. Dalrymple, Ap. p. 15. and 20, 21.

<sup>8</sup> Ralph, vol. i. p. 614.

<sup>9</sup> Ibid. vol. ii.

<sup>10</sup> Dalrymple, Ap. to part 1st, p. 15. and 20, &c.

fused to acquiesce in the proposed arbitration. Lewis made this a pretext for farther encroachments upon the Spanish provinces : Charles complained that he was ill-used by the distrust of that court, and made it a reason for withholding his assistance<sup>11</sup>. The conduct of Charles was, perhaps, at no former period more open to censure, on account of his duplicity and his mean subjection to the schemes and politics of France. What a favourable opportunity did the leaders of the popular party now enjoy, for rousing the spirit of the nation ? How easy would it have been, to have exposed the hypocrisy of Charles's remonstrances against the encroachments of France ? How disgraceful to the king and the nation, the contempt with which France treated them ?

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VI.  
1681.

The crafty Barillon was aware of this danger, and with great address provided against it. He still cultivated a correspondence with the popular party<sup>12</sup>. He amused patriotic hopes, and seemed to lend a favourable ear to a proposal, made by some of the whigs, to secure the possession of Luxemburgh, provided a parliament was called<sup>13</sup>. The result of these measures was, that, after France had obtained every thing she wanted, a

Barillon  
intrigues  
with the  
leaders of  
opposition

<sup>11</sup> Ibid.

<sup>12</sup> Ibid. part ii. p. 312 3, and 789.

<sup>13</sup> These offers were proposed by Montague. in the name of his party. Barillon, in a letter to Lewis, justifies the propriety of continuing his intrigues with the popular party, from the following considerations: that, if he had discontinued them, the popular party in England would have suspected the re-union of Charles with France: that they would have joined with Holland, and made a coalition of parties at home, with a view of compelling the king to call a parliament, and to enter into a war with France, Dalrymple, Ap. p. 32. But though there is little doubt that Montague made such offers, yet there is no evidence of his having the authority of his party for doing so.

CH A P. truce was agreed to, between her and the allies,  
 VI. for the space of twenty years<sup>14</sup>.

1681.

29th

June,

1684.

The inter-  
 est of the  
 duke of  
 York re-  
 vives.

From the dissolution of the Oxford parliament, the interest of the duke of York began to revive, and, at last, attained to an uncontrolled ascendancy in directing public measures. The treaty between his brother and France was forwarded by his zeal and activity. He left Scotland, and returned to the court, where he supported the interest of France, by dissuading his brother from complying with the solicitations of the allies<sup>15</sup>. The interest of the duke was seconded by the dutchess of Portsmouth, to whom he was now reconciled, by the mediation of lord Sunderland, and by the duke of Ormond, who was detained in England with a view of supporting the measures of the court<sup>16</sup>. The duke of York resumed his seat in the privy council, and was afterwards restored to the head of the admiralty. The only check to his influence at this time, seems to have arisen from lord Halifax, who, on account of his services in the exclusion, was taken into the privy council, and afterwards made privy seal. Lord Halifax was a friend to moderate counsels: he advised the king to send the duke of York into Scotland, to call a new parliament, and to take new measures against France, in order to reconcile the popular party to the court<sup>17</sup>. Lord Rochester opposed the opinions of Lord Halifax in the privy council, and was understood to be entirely devoted to the interest, and to the measures, of the duke of York. Not only a disagreement in sentiment, but a keen animosity, marked the opposition between Halifax and Rochester. The

<sup>14</sup> Life of William, vol. i. p. 120.

<sup>15</sup> Life of James 1681-2

<sup>16</sup> Life of Ormond, vol. ii.

<sup>17</sup> Temple, vol. i. p. 461.

former accused the latter of unwarrantable profusion, and of abuse of his trust, in the office of treasurer; but he was prevented by the interposition of the king, from proceeding to the investigation of evidence, in support of this charge<sup>13</sup>.

C H A P.  
VI.  
1681.

Amidst the career of prosperity in which the court was advancing, it was still exposed to frequent checks and mortifications, from the prevailing influence of the whigs in the metropolis. As a great proportion of criminal causes was brought forward within the district of the city of London, an immense influence fell into the hands of the sheriffs, to whose office it belonged to make out the list of juries<sup>14</sup>. In the tumult and the contention of parties, subsisting among a free people, it would require a very nice selection, to find any considerable number of men, who have either discernment or moderation to preserve that cool and unbiassed frame of mind, which is essential to a pure decision, in any cause, ever so remotely connected with subjects of political controversy. The court complained of the partiality of juries, and sustained the most mortifying disappointment, by the grand jury of Middlesex having returned their verdict of *ignoramus*, upon an indictment presented against the earl of Shaftsbury<sup>15</sup>. Un-

Influence  
of the  
whigs in  
the city  
of London.

Nov. 24th.

M 2

less

<sup>13</sup> Ralph. Dalrymple, Ap.

<sup>14</sup> Somers's Collection, vol. i. p. 196.

<sup>15</sup> The principal articles charged against lord Shaftsbury were: that he had been engaged in raising a military force against the king; and that there was found in his study, the copy of an association against government. The violent resentment of the court against Shaftsbury operated to the disappointment of its object; and this probably would have been the case, though the judges had been less partial to him than they really were. It was evident, that great industry and address had been employed by the court, in order to procure evidence against him. Some of the witnesses were of a suspicious character, and some of the things

CHAP  
VII.

1681.

Attempt  
of the  
court to  
gain the  
election of  
the sheriffs  
in the city.  
June  
1682.

Violent  
measures  
for that  
end.

less the sheriffs were gained over to its interest, it was impossible that it could afford that protection to friends, or accomplish that resentment against enemies, which were necessary to encourage bolder efforts in the former, and to overawe and repress the secret cabals and intrigues of the latter<sup>22</sup>.

In order to accomplish this important acquisition, the court having secured the friendship of sir John Moor, who was then mayor, instigated him to claim as his right, what had hitherto been considered as a voluntary condescension on the part of the livery. Though the charter of the city vested the election of both the sheriffs in the common-hall, yet it had been their usual practice to elect, as one of them, that person, whose health had been drank by the lord mayor, in token of his inclinations and recommendation. From this precedent it was inferred, that, by the terms of the charter, no more could be intended, than to reserve to the common-hall the privilege of approving and confirming the choice of the mayor<sup>23</sup>.

So far the matter in dispute between the mayor and the livery appeared of a doubtful nature, and afforded scope for plausible arguments in behalf of both the contending parties. Subsequent measures, encouraged by the court, and pursued by the mayor, were indecent violations of order, and deep encroachments upon the rights of the livery. He adjourned the election, contrary to form, and not only refused to sustain the poll, which was tu-

things attested by them extremely improbable. The conversation and the expressions ascribed to lord Shaftsbury were quite out of character. There still remained evidence enough, if not for convicting lord Shaftsbury, yet for laying the foundation of a trial. Notwithstanding this the jury returned a verdict of *ignoramus*, the term used when they think the evidence too weak to justify them in finding the bill. State Trials, vol. iii.

<sup>22</sup> Life of lord Keeper North.

<sup>23</sup> Life of Sir Dudley North. Kennet.

multuously



mutuouſly carried on after adjournment, but, with arbitrary reſolution, to admit any to vote upon a future poll who would not previously conſent to his nomination<sup>23</sup>. The reſtriction was agreed to only by the friends of the king, and terminated in the appointment of two ſheriffs, devoted to his wiſhes and intereſts. What a dangerous acquiſition to the influence of miniſtry? From the power of modelling juries, what had not its enemies to fear? It ſoon appeared, that their moſt dreadful apprehenſions were neither imaginary nor exaggerated. The conduct of the court indicated a deliberate reſolution, not only of avenging the oppoſition it had already received from the whigs, but alſo of extinguishing their future influence under the authority of law. Not only deeds, upon which a treaſonable conſtruction was put by a forced interpretation of the ſtatute, were called in queſtion, but expreſſions, uſed in the courſe of common converſation, incurred the implication of criminal intent. Publications diſreſpectful to the duke of York, ſentences in ſermons derogatory to the prerogative, and atteſted upon the recollection of prejudiced hearers, were now puniſhed with unmerciful ſeverity<sup>24</sup>. The moſt cruel vengeance fell on thoſe who had been active againſt the mayor in the contention about the election of ſheriffs; exorbitant fines were exacted; miniſterial agents went about from place to place collecting grounds of accuſation<sup>25</sup>; and now it was, that the king let looſe the laws againſt the diſſenters, and not only forfeited all claim to the principles of toleration which he had formerly profeſſed, but, to that lenity of diſpoſition, which

<sup>23</sup> Kernet.<sup>24</sup> State Trials, 1682.<sup>25</sup> Ibid.

CHAP. VI. the partiality of the nation had ascribed to him, notwithstanding the harsh complexion of many public measures<sup>26</sup>.

1682-3.

There were, however, various circumstances which appeared to endanger the retention of these acquisitions, lately fallen into the scale of prerogative, and which summoned the utmost exertion of ministerial sagacity, to ensure the permanent and undisturbed tranquillity of the prince. The bounty of France was precarious, and inadequate to the expences of the court of England<sup>27</sup>. The economy and retrenchments which the necessity of his affairs demanded, were irksome and mortifying to Charles, addicted to indolence, and immersed in extravagant pleasure. The nation, attached to liberty and the constitution, would never be brought to endure, with patience, the total suppression of parliaments. The royal declaration, which had contributed so much to blunt the edge of party spirit, had been more acceptable to the people, because it professed a respect to the authority of parliaments, and might be urged as an obligation upon the king to return to them. It was prudent to foresee this contingency, and to provide against it: if the king could not lay aside parliaments altogether, it became necessary to devise some plan to change their complexion, and to render them more gentle and more submissive to his will.

Quo war-  
rantos.

From these reflections, arose the audacious policy of wresting their present charters out of the hands of the corporation, in order to new model them by such restrictions, as might render their members, elected to serve in future parliaments,

<sup>26</sup> Kenner.

<sup>27</sup> It is asserted, that the court of France discontinued the payment of Charles's pension, because he released lord Danby from imprisonment; a striking instance of the means and inflexibility of her resentment.

entirely

entirely devoted to the interest of the crown<sup>28</sup>. CHAP. VI.  
 The first experiment of this plan was executed against the city of London. A quo warranto was issued against the common-council: frivolous irregularities, and even the just and commendable exercise of their power in forming bye-laws adapted to the interest and the convenience of the inhabitants, were urged to infer a legal forfeiture of their charter. The city first stood upon its defence, but afterwards, discomfited by a sentence in the king's bench, and wrought upon by threats and promises, surrendered its franchises into the hands of the king<sup>29</sup>. 1683. 12th June.

These arbitrary proceedings were not confined to the city of London, whole violence had exposed them to the censure of men of moderate principles. Quo warrantos were issued by the crown lawyers against many of the corporations of the boroughs in England. Intimidated by the fate

<sup>28</sup> Kennet.

<sup>29</sup> While the dispute with London was depending, some of the boroughs made a voluntary surrender of their charters.

As the judgment passed against the city was not immediately recorded, the common-council presented a petition to the king, expressing a deep sense of their offences, and promising future loyalty and obedience: upon which the charter of the city was restored, with regulations, which, in effect, vested the crown with a negative upon the choice of the mayor and sheriffs. Eclard.

The chief justice Saunders had the perusal of all the indictments and the informations, preferred at the instance of the crown, in the cases of the quo warrantos. Life of Lord Keeper North, p. 225.

The person who, in the last year of Charles, had the principal direction in the law department, was sir Francis North, made chancellor after the death of the earl of Nottingham. He possessed very considerable abilities, and though highly attached to the court, did not connect himself with any of the ministers, but professed to rest his merit and importance upon the respect he shewed to the laws and to the constitution. Raikes, vol. i. p. 703.

CHAP. VI. and the example of the capital, they were con-  
 1683. tent to resign their privileges, and to receive them  
 again as a favour from the crown, mutilated and  
 circumscribed, for the purpose of rendering its  
 influence, in future elections, paramount to all  
 internal opposition from the members of the cor-  
 poration.

Timidity  
 and sub-  
 mission of  
 the peo-  
 ple.

While we execrate that arbitrary spirit which  
 trampled upon the very forms of law, we must at  
 the same time despise that abject timidity, which  
 not only restrained the corporations from a manly  
 and becoming resistance, but rendered them acces-  
 sary to their own disgrace, and to the destruction  
 of national liberty. Where now is that noble spi-  
 rit of patriotism, which, with unwearied circum-  
 spection, watched every avenue of danger, and  
 caught alarm at the most distant approach of ty-  
 ranny? Never was there a louder call, nor a jus-  
 ter cause for resisting, with fortitude and obsti-  
 nacy, the measures of the court, than when Char-  
 les, by exacting from the corporations the surren-  
 der of their privileges, made such an undisguised  
 and outrageous attack upon the fences of liberty  
 and the constitution. Seldom had there been any  
 opportunity of resistance, when it was encouraged  
 by a more promising prospect of success. In the  
 question concerning the exclusion, justice and ex-  
 pediency seemed to interfere: whatever might be  
 the issue of that question, the danger arising from  
 it appeared immense and unavoidable; and it was  
 only, after an interval of suspense and uncertainty,  
 that the cautious mind could be brought to any  
 determination what to prefer. But here was an  
 obvious violation of right; a long connected  
 train of dangers presented itself to the eye. If

the franchises of the boroughs were invaded without a struggle, might not the precedent be applied with equal propriety to the change, or the limitation, of the rights of the freeholders? What was the difference between a king who reigned without the name of a parliament or the vestige of control, and a king who reigned over a parliament, composed of members, named and chosen by his command? If the boroughs had made only a feeble resistance to these arbitrary proceedings, till they had been submitted to the deliberate review of the wiser and more impartial part of the nation, the danger must have been detected, the spirit of the people roused, and the court reduced to the necessity of relinquishing the dispute with that disgrace and diminution of power, which always attend the defeated schemes of usurpation.

CHAP.  
VI.  
1683.

In the instances recited, we have observed the power of the crown stretched beyond the limits of law, in conformity to arbitrary schemes, formed in the cabinet after the dissolution of the last parliament. Accidental circumstances now concurred, with political manœuvres, to turn the balance still more in favour of the monarchy, and to discourage all future consultations and attempts to interrupt the alarming progress of regal ambition.

A conspiracy against the state was discovered, and it appeared, that a circumstance, merely accidental, had prevented the assassination of the king on his return from Newmarket; and, though this atrocious design was disclaimed by the most respectable persons who were accused of the Rye-house plot, yet, there was a clear proof of their having had frequent meetings with others, who were convicted of conspiring against the life of the king

Detection  
of a conspiracy;  
June.

CHAP. VI. king and his brother<sup>31</sup>. It was farther remarkable, that this conspiracy had been concerted at the same time, and in the same place, with those measures of the last parliament which were most obnoxious to the court, and that the charge was brought home to those very persons who had promoted with the greatest zeal, the prosecution of the popish plot and the bill of exclusion. The language then held by them was, that the life of the king was in danger, and an anxiety to preserve his life was the professed motive of their zeal. By their persuasion, the commons resolved, that if the

ruinous to  
the whigs.

1683.

<sup>31</sup> It was called the Rye-house plot, because the design of it was to assassinate the king and the duke of York as they returned from Newmarket, at a place called the Rye-house, belonging to Rumbold, one of the conspirators. A fire, which happened at Newmarket, was the occasion of the king's returning to London, before the conspirators were prepared for the execution of their design. Some of them considered it as a providential interposition in behalf of the king, and one Kieling, under the pressure of remorse as he pretended, made a discovery of the conspiracy to secretary Jenkins, and, after his example, others of the conspirators offered to become witnesses for the king.

From their information it appeared, that, after the dissolution of the Oxford parliament, frequent meetings had been held by many of the whigs, in order to consult about the most proper methods for controlling the arbitrary measures of the court. A correspondence was kept up with the disaffected party in Scotland; different plans were suggested, according to the temper and the motives of individuals. It had been proposed at one of these meetings, to make an insurrection in the city, and to seize the king's guards. The assassination of the king had been occasionally mentioned, but reprobated by the most respectable members of these associations. Kennet. North's Examen, p. 393-8.

When this conspiracy was discovered, unconnected parts of it were couched, and the expressions and actions of individuals indiscriminately imputed to all who had associated with them. The trials of the conspirators were conducted with the greatest rigour, and some essential parts of law violated. State Trials, vol. iii. Vindication of Lord Russell. Ibid.

king

king should come to a violent death, they would revenge it upon those of the Roman catholic religion. But now it was evident, that by substituting imaginary dangers in the place of real ones, and by defaming the reputation of the innocent, they meant to lull the suspicions of the nation, till their design should be ripe for execution, and which had nearly accomplished its tremendous effects. While many reflected with abhorrence upon the deep hypocrisy with which these men had acted, by a connection of sentiment extremely natural, though neither logical nor candid, they carried back the iniquity of their present conduct to the measures they had hitherto pursued, and extended it to all who had been connected with them, while the character of their opponents in the same proportion, and with as little propriety, met with esteem and confidence<sup>42</sup>. This was a fatal blow to the interest of that party, from which resistance to the present arbitrary measures could be expected.

Discomfited by these disasters, the whigs sunk into despondency; and no future opposition seems to have been meditated during the remaining eighteen months of the life of Charles. Shaftsbury, the most able, Russell, the most virtuous of the party, were no more: the restraints of law removed, the spirit of the nation broken and subdued, the heads of the country party fallen into discredit, by the crimes and the misfortunes of their associates, the influence of the crown became supreme and irresistible.

Charles did not long survive to enjoy his prosperity, if it deserves that name. He languished under an oppression of spirits for several months,

CHAP.  
VI.  
1683.

The court  
triumphant.

Death  
and character of  
Charles.

<sup>42</sup> North's Examen. Lord Guilford's M.S. Dalrymple, Ap. 1. 64.

CHAP. VI. and after an apoplectic stroke, from which he recovered in some degree, relapsed again, and expired on the sixth of February one thousand six hundred and eighty-five.

It is not to be denied, that nature had furnished the mind of this prince with a more than common share of genius and taste. Affability, sprightliness, wit, and good breeding, conveyed an amiable view of his character to those who surrendered judgment to the sudden and transient impressions of conversation and external manners.

Tried by that system, which ascribes transcendent merit to the graces, few royal characters appear more deserving of applause and admiration: few will stand lower in the decision of those, who hold moral accomplishments to be the most essential ornaments of character, and the only genuine basis of esteem and praise.

Without any sense of religious principle, ungrateful to his own friends, and the friends of his father; timid and fluctuating in his counsels; destitute of all pretensions to patriotism; ever ready to sacrifice the interest and glory of his country to the gratification of his pleasures, and the supply of his wants; what remains to claim the approbation, or restrain the severest reproach, of impartial posterity?

Reflecti-  
ons.

The satisfaction which Charles enjoyed in the latter period of his reign on account of his triumph over the whig party, must have been greatly diminished, by the personal mortifications he incurred from the insolence and the treachery of France. How painful must it have been, to discover that Lewis had been intriguing with those very persons in England, whom he had considered as enemies to his own government, and to the intere<sup>st</sup>



terest of France<sup>33</sup>? Nay, so little respect did CHAP. VI.  
 Lewis show, either to the honour or the domestic  
 tranquillity of Charles, that he was accessary to a  
 design, of exposing him to the contempt of his  
 subjects, and of all Europe, by a publication of  
 the secret treaties, by which Charles, to his disgrace,  
 had connected himself with the court of  
 France<sup>34</sup>. The encroachments which the French  
 king made upon Flanders, were a mockery of the  
 engagements into which he had entered with  
 Charles by the last money treaty. His invasion of  
 the principality of Orange, was an insult to the  
 royal family of England. A circumstance which,  
 we may believe, made a deeper impression upon  
 the mind of Charles, was the withholding the pension  
 promised to him, for remaining an indifferent  
 spectator of such outrageous usurpations, at a time  
 when he was reduced to the utmost distress, on  
 account of his contracted and embarrassed revenue.  
 Thus, like the unhappy female, who has fallen a  
 prey to the snares of the licentious seducer, robbed  
 of her innocence, and cheated of the reward of her  
 prostitution, consigned to infamy and to poverty,  
 Charles, if any spark of sensibility remained,  
 must have been torn with all those pangs of remorse  
 and of shame, which result from the consciousness  
 of the basest iniquity and most egregious folly.  
 No wonder, if, as attested by cotemporary historians,  
 he became pensive and melancholy, and entertained  
 serious thoughts of changing the plan of his government<sup>35</sup>.  
 The arrangements he had made in the several corporations by

<sup>33</sup> Dalrymple, Ap. p. 74.

<sup>34</sup> State Papers, T. W. vol. i.

<sup>35</sup> Life of Lord Keeper North.

CHAP. VI. the *quo warranto* prosecutions, and a considerable reinforcement added to his army by the garrison recalled from Tangiers, would probably encourage him to hope, that if he called another parliament, he would find it more obsequious to his desires<sup>16</sup>.

1685.

<sup>16</sup> Welwood, p. 137.

## C H A P. VII.

*Accession of James.—Circumstances favourable to Loyalty.—A Parliament.—Extraordinary Compliance of Parliament.—Invasion by Argyle and Monmouth;—Defeat of Monmouth;—Cruelties exercised against his Adherents;—Arbitrary Measures,—and Bigotry of the King.—He applies to Parliament for an Augmentation of the Army;—Intimates his dispensing with the Tests.—The Commons remonstrate against dispensing with the Tests;—Oppose the Augmentation of the Army.—The King angry with the Commons.—The Lords review the King's Speech,—Parliament prorogued.—Influence of the King declines.—Character of Sunderland,—of Petre,—of J.fferies.—The King retains in his Service the Officers who had taken the Tests.—Trial of the dispensing Power —The King exercises it in the Charter-House Hospital;—in the University of Cambridge;—in Magdalen College, Oxford.—Dangerous Power of the Ecclesiastical Commission.—The King uses Means to obtain a corrupt Parliament.—Disappointed.—Orders his Army to be encamped.—Declaration for Liberty of Conscience.—The Bishops refuse to transmit it to their Dioceses:—They are imprisoned.—tried,—and acquitted.*

**J**AMES the second ascended the throne in peace; and an event, which a few years before had been anticipated with horror, as the most calamitous that could befall the nation, was accomplished, not only without resistance, but without the appearance of discontent, or the apprehension of danger. Of the cabals, the menaces, and the violent spirit, of the exclusionists, no traces were to be found. A change of political sentiments,

CHAP.  
VII.

1685.  
6th Feb.  
Accession  
of James.

CHAP.

VII.

1685.

Circum-  
stances fa-  
vourable  
to loyalty.

ments, no less sudden and remarkable, awaits the observation of the historian. A prince, invested with extensive prerogative, and flattered with the most ardent expressions of attachment, through the baneful influence of obstinate and insatuated bigotry, abdicates his throne, almost without a struggle, and is compelled to linger out the remainder of his days in exile and disgrace.

A variety of circumstances concurred, to disappoint the unfavourable conjectures of preceding years, to change the temper of the nation, and to render the commencement of this reign auspicious and popular beyond expectation. The commerce of England, which had been progressive since the era of the reformation, had, of late, increased with more rapid success, and diffused prosperity among every order of men. A long continuance of peace taught the people to value and to enjoy the blessings of a settled government; blessings too important to be exposed to interruption or hazard, by listening rashly to speculations of amendment, or by the anticipation of remote and precarious dangers. Popular opinion was, in some respects, favourable to the character of the new sovereign. He had acquired reputation for ingenuity and courage, as a naval officer; he was believed to possess industry, and a capacity for business; and the profession of patriotic zeal raised high expectations from the application of those talents to the national welfare. It was hoped that the influence of the French court, so odious to Englishmen, would be abolished, under the administration of a prince who professed a high sense of national honour, and openly declared his detestation of a political system.

system subservient to the views of a foreign prince'. CHAP. VII.  
 Insinuations of the indolence and inactivity of the former reign were not restrained by a grateful delicacy, due, upon the part of the present prince, to the memory of a brother, who had never acted with steadiness and vigour in any cause but his<sup>2</sup>. Manly counsels, bold measures, prompt and vigorous execution, were expected from the activity and promises of the new sovereign. Though, from these motives, the inclinations of the people were favourable to him, James did not chuse to trust to their voluntary obsequiousness, for the return of members attached to the interest of the court. Every advantage was taken of those alterations which had been introduced, in the late reign, into the charters of corporations. Addresses and solicitations were added, with such success, that when the lists of the representatives to serve in the new parliament were presented to the king, he observed, with satisfaction, that there were not above forty names which he could wish to expunge<sup>3</sup>. 1685.

A parliament.

The speech of the king to his parliament corresponded with the prepossessions they had formed

<sup>1</sup> It is now certain, that all James's pretences to act with independence, and to throw off the influence of France, were hypocritical. He formed, from the very beginning, the plan of reigning without a parliament. He summoned his parliament, for which he makes many apologies to Lewis, only in order to be enabled to reign without it, after having obtained, by its means, the settlement of a revenue for life. He solicited a present of money from France, and was highly gratified with the obtaining of it. Dalrymple, Ap. p. 103-12-13-47. He renewed the treaty with Holland, summer 1685; but the reason of this was the backwardness of France to answer his demands for money. Compare *Memoires de la Dernière Revolution d' Angleterre*, par L. B. T. D'Avaux, vol. iii. 1685. Dalrymple, Ap. p. 158. 164.

<sup>2</sup> Burnet. Wellwood.

<sup>3</sup> Coke, 19th May.

**C H A P.** of his character, and seemed to express his sincerity, firmness, and public spirit. He promised to maintain the established religion and government, and to desire no power or greatness beyond the limits of the constitution.

**VII.**

1685.

Extraor-  
dinary  
compli-  
ance of  
parlia-  
ment.

The compliance and generosity of the parliament yielded to the prince the most satisfactory specimen of a loyal zeal. Both houses were unanimous in settling the revenue upon his majesty for life, in the same manner as it had been settled upon the late king<sup>4</sup>. James, during the interval between the death of his brother and the meeting of parliament, had continued to levy the customs by proclamation. With a deference to prerogative, at once servile and perfidious, this exercise of power, so deeply encroaching upon the privileges of the commons, was neither marked with censure in the reply to his majesty's speech, nor even, by the most distant hint of disapprobation, referred to by either house in the course of their debates. Agreeably to the same overstrained delicacy, a motion for an address to his majesty, that he would be pleased to put in execution the laws against the dissenters, was thrown out; and it was resolved, that they should rely with implicit confidence, upon his gracious promises and repeated declarations, to defend the protestant religion<sup>5</sup>. A motion was made to extend the laws against treason; and, from the present temper of parliament, there is little room to doubt, that, if the session had been protracted, this and other dangerous concessions to prerogative, might have obtained the sanction of the legislature.

<sup>4</sup> Journ. Lords, Commons, 27th May.

<sup>5</sup> Journ. Commons, 27th May,

The news of an invasion in Scotland by the earl of Argyle, and in England by the duke of Monmouth, circumscribed the operations of a zeal more fervent than wise, and engrossed the whole attention of parliament. The declarations of Monmouth and Argyle were communicated to both houses by the order of the king, and supplies were requested to enable him to augment the navy and the army, and to put the nation in a proper state of defence. The king was thanked for his attention; the declarations of Monmouth and of Argyle were voted treason <sup>6</sup>. The army of Monmouth was completely routed, he himself taken prisoner, and brought to an infamous execution, in little more than a month after his arrival in England. The destruction of an enemy so formidable by ambition and popularity, gratified the resentment, and augmented the power, of James; but the merciless gratification of that resentment, and the wanton abuse of that power, hastened his final disgrace and ruin. The severities inflicted upon the unhappy adherents to Monmouth, gave an insight into the king's character, and revived again those suspicions, when even the party, who first entertained them, were desirous to have buried in oblivion, and spread general horror over the nation. An age of advanced civilization beheld those wanton exertions of cruelty and of vengeance, which form the blackest features of society in its rudest state, and rouse indignation in every breast where the smallest spark of compassion dwells. In some of those towns which had opened their gates to Monmouth, the innocent and the guilty were promiscuously put to the sword. Many were condemned upon the

CHAP. VII.

1685.

Invasion  
by Argyle  
and Monmouth  
22d May.  
13th June.Defeat of  
Monmouth.

15th July

Cruelties  
exercised  
against his  
adherents.

<sup>6</sup> Journ. Lords and Commons, 23d May, 13th, 15th, and 23d June.

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1685.

slightest evidence, and ordered to immediate execution. Colonel Kirk, who, with a disposition naturally brutal, had acquired the habits of a savage nation among whom he had resided, seemed to find his pastime in superintending these horrid executions. Jefferies, the chief justice, prostituted the authority of office, and the sanction of law, to cover a congenial spirit of cruelty, and, regardless of every exculpatory circumstance, doomed to infamous punishment those who were suspected to have been favourable, but in their hearts, to Monmouth, or who had indulged the dictates of humanity, in endeavouring to conceal any of their friends who had joined his standard. Almost every trial in this bloody circuit affords the most shocking examples of partiality, petulance, oppression, and barbarity, on the part of the judge<sup>7</sup>. Though the king professed to have been ignorant of these enormities, when he perceived the detestation they excited throughout every part of the kingdom, yet we are warranted to conclude, that, in his sight, they appeared highly meritorious, especially as the execrable perpetrators of them were honoured with signal marks of royal favour. Jefferies, stained with blood, and loaded with the curses of the people, found a welcome reception into the presence of his sovereign; and, as if it had been for the reward of his iniquity, was dignified with a peerage, and soon after invested with the office of chancellor<sup>8</sup>.

Arbitrary  
measures

But nothing could render the victory of the king over his disaffected subjects more beneficial to the nation, and more hurtful to himself, than the inducing him to drop the mask, and with

<sup>7</sup> Coke. Burnet.

<sup>8</sup> Burnet, &c.



openness and precipitancy to pursue those arbitrary measures, which, if they had been covered with artifice, and carried on with prudence, might have taken effect, ere his people were aware of danger, and rivetted upon their necks those chains, from which no future efforts could have delivered them. No extraordinary degree of sagacity was now requisite, to penetrate into the nature of his temper and of his designs; the spirit of bigotry actuated and pervaded every measure he undertook; zeal for his religion was the central point, to which, by an irresistible power of attraction, all his thoughts, affections, and actions, were drawn; even arbitrary power, in his estimation, was only a secondary object: his enthusiasm far outstripped his ambition; and if he wished to extend his prerogative, it was chiefly with a view to strengthen his hands, as a faithful champion and son of the church. The importation of catholic priests, the erection of mass-houses and of popish schools, and a numerous host of superstitious profelytes, were, in his apprehension, the most splendid trophies that could adorn his crown and signalize his reign<sup>o</sup>.

and bigo-  
try of the  
king.

The

\* On the first sabbath after his accession, the king openly attended the Roman catholic worship. He was desirous, at the same time, of avoiding the censure of innovation. He published a declaration subscribed by the late king, professing his adherence to the faith of Rome; as if the opinion of a prince so notoriously indifferent with respect to all religion, supposing that opinion had been well authenticated, could have operated to the conviction of any man, guided by reason or principle. He invited Roman catholic priests from foreign countries, and encouraged them to exercise their functions openly, and in defiance of the law. A Roman catholic bishop was consecrated within his own chapel at Windsor. Laymen of the same communion were made king's counsel, judges, lords lieutenants of counties, sheriffs, justices of the peace, and

**C H A P. VII.** The rebellion of Monmouth furnished the king with a plausible pretext for rising in his demands for supplies, and for proposing an augmentation of his standing army; while, at the same time, it manifested, in an alarming view, how resolutely he was devoted to the interest of the Roman catholic church. After representing the militia as inadequate to the defence of the nation, upon such emergency as that which had lately occurred, he informed them, that he had dispensed with the law, in giving commissions to many officers who had not taken the tests in compliance with the act of parliament. He pleaded success and gratitude, as ample vindications of this measure, and announced his firm purpose of persevering in a plan of government equally unpopular and unconstitutional.

1685.  
He applies  
to parlia-  
ment for  
an aug-  
mentation  
of the  
army.  
Intimates  
his dis-  
pensing  
with the  
tests,

and mayors of corporations. Lord Castlemain was sent ambassador to the pope, to solicit, in the name of the king, the reunion of England with the holy see, and to implore his forgiveness.

In Ireland, all regulations and laws for maintaining the protestant religion were set aside. The army was new modelled, protestant officers were deprived of their commissions, upon the most frivolous pretences: some, because they had served under a republican government, a stain, which, at the restoration, extended over the whole army and navy in England; others were dismissed, on account of original guilt, being descended from parents who had served under the protector. Whole regiments were disbanded, it was suspected, for no better reason. To prevent the power of resistance, under any provocation whatever, the arms of the protestant militia were called in. The rashness and oppression of these measures were rendered more flagrant and intolerable, by the violent temper of the agent employed to carry them into execution. By the advice of father Petre, lord Tyrconnel was promoted to the lieutenancy in Ireland, in the room of lord Clarendon, whose moderation and religion rendered him obnoxious to all who wished well to the popish interest. Dalrymple, Ap. p. 262. Clarendon's Diary, passim. A letter to a protestant in Ireland,

The

The house of lords thanked the king for his speech, without any reserve, or any mark of discontent. CHAP. VII.

The commons were not so tame, nor so careless, as to overlook the dangerous tendency of those measures which the king avowed and justified. They voted and drew up an address, representing to him, that the tests could not by any means be dispensed with; and praying him to dismiss those officers who were, by repeated statutes, disqualified from entering into his service. But while they guarded the constitution with firmness, they were not incapable of viewing, with indulgence and respect, or even backward in seconding with liberality, those sentiments of gratitude which the king expressed towards his catholic subjects. They brought in a bill to indemnify such of that persuasion as had served in the army against Monmouth, and, at the same time, to reward them with pensions <sup>1685.</sup> 9th Nov.

Next to the dispensing with the tests, the augmenting of the standing army was the most unpopular measure which his majesty could have proposed to his parliament. The day of implicit obedience was now at an end. The augmentation of the army was warmly opposed. The militia was recommended as the safest mode of national defence; and, in opposition to the language of the king's speech, their services against Monmouth were held to be the most important and illustrious. Oppose the augmentation of the army.

The debate closed with a motion for a bill for the better regulating of the militia<sup>10</sup>. The sum of seven hundred thousand pounds was agreed to by the house, as a supply to his majesty, without

<sup>10</sup> Journ. Commons, 14th and 16th November.

<sup>11</sup> Journ. Commons, 12th November.

CHAP. any description or limitation of the purpose to  
 VII. which it was to be applied.

1683.  
 The king  
 angry with  
 the com-  
 mons.

To the address of the commons the king replied in terms of sharp reprehension, and, by a new evidence of a temper, obstinate and untractable, roused alarm, and suggested to them the necessity of a general combination, to repel those encroachments which, if suffered to pass unnoticed, threatened the total extirpation of their religion and liberties. He said, he did not expect to have received such language from his commons, especially after his known character for truth; and yet the very measure which gave occasion to the address, was a flagrant violation of the promise he made to his people upon his accession to the throne.

The lords  
 review the  
 king's  
 speech.

The imprudence of the king's reply, and the shock it gave to the interest of the court, were soon evident, from a change in the temper of the house of lords. They had before unanimously approved of the king's speech, without attending to that clause which intimated his resolution of dispensing with the tests; and their negligence and precipitancy had drawn upon them the censure of many who were sincerely attached to the constitution. The purpose of the king, repeated in his answer to the commons with an air of defiance, invited the immediate and spirited exertions of the patriotic lords. They now moved for a review of the speech, with a premeditated intention to concur with the commons in testifying their disapprobation of his having announced his resolution to dispense with the tests<sup>22</sup>. The tardiness and the irregularity of the motion afforded the friends of the court specious grounds for opposing it. The importance of the subject, and the magnitude of the danger, over-ruled a scrupulous adherence to

<sup>22</sup> Journ. Lords, 19th November.

forms, and the motion for reviewing the speech CHAP.  
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was carried by a great majority' <sup>1</sup>.

The king, aware that his parliament, in their legislative capacity, might have considerable influence in obstructing those favourite measures to which in vain he had attempted to render them subservient, formed the purpose of an immediate prorogation. He sacrificed his interest to his bigotry, and preferred the alternative of losing the sum of seven hundred thousand pounds, voted by the commons, to the necessity of abandoning the measures he had already adopted in behalf of those of his favourite communion. The parliament was prorogued from the tenth of November to the tenth of February one thousand six hundred and eighty-six. 1685.  
Parliament prorogued.

From the prorogation of this parliament, we trace the decline of the power of James. The attachment of his protestant subjects was totally effaced by the dangers impending over their religion; his reputation for prudence and for integrity, lately so eminent, was impeached; the tone of adulation began to die away; individuals, and associations of men, who hitherto had been the warmest advocates for prerogative, at last became monuments of the folly of their favourite doctrines, and were driven by inevitable necessity to pursue those measures, which, in speculation, they held to be criminal. Prerogative, it is true, became more active and more resolute in its execution, but, like those tumours which swell the body in the last stage of disease, in proportion as it was stretched, its vital powers were declining. Influence of the king declines.

Few alterations at the beginning of this reign were made in the ministry, as it stood at the death of Charles II. Lord Rochester was high treasurer;

<sup>1</sup> Ralph.

CHAP. VII. lord Godolphin, who had been formerly at the head of the treasury, was appointed treasurer to the queen; the marquis of Halifax was removed from the privy seal to be president of the council; the earl of Clarendon succeeded him in the office of privy seal.

1685.

From an exaggerated conceit of his own abilities, and a habit of application, the only accomplishment in which he excelled his brother, the king was determined to be his own minister; and while this resolution prevented persons of greater integrity and honour from interfering in his counsels, it laid him open to the influence of others, who, from interested purposes, or a congenial spirit of bigotry, flattered his prejudices, abetted his arbitrary schemes, and precipitated him into ruin<sup>14</sup>.

Character  
of Sunder-  
land.

Lord Sunderland, though he had opposed the personal interest of the duke of York in the late reign, was not only admitted into administration, but quickly surpassed all his colleagues in the share he held of his master's confidence, and displayed an ascendancy over his counsels, which he maintained to the eve of the revolution. His introduction to the favour of the prince, and his growing influence, were promoted by the patronage of the queen, whose solicitations and advice, on various occasions, were discovered to sway the inclinations of her husband, often contrary to the maxims of prudence, and the ordinary rules of attachment. From that jealousy, which is often found to subsist between the relations of the husband by different marriages, Clarendon and Rochester became obnoxious to the queen, more than any of the other competitors for the royal favour. They were the nearest relations of the king's children. To the

<sup>14</sup>, Burnet.

hereditary loyalty of their father, who had been oppressed by faction, they had added personal services of high desert, and by their steady zeal for the interests of the duke of York, during the dependence of the exclusion bill, laid him under strong obligations of gratitude, and established a claim of preference to the honours which he now had it in his power to dispense. The queen wished to attach to her interest some person, whose distinguished abilities and obsequiousness to his master, might serve as a counterpoise to that immoderate influence, which, she had reason to fear, would now devolve upon the relations of the king by his first marriage. The character of Sunderland prompted him to solicit, and qualified him to obtain, the destined preference. Habits of profusion required liberal resources, and rendered him anxious to retain his employments, as the means of gratifying them. An uncommon capacity for business, cultivated by experience in the official line, justified a recommendation to the most important employments, and insured credit and advantage to his patron. By insinuation, flexibility, industry, in all of which he was a proficient, he obtained a preference to persons of purer virtue, who were engaged with him in a competition for favours. The diversified operations of the same predominant disposition were never more conspicuously displayed, than by the opposite conduct of Shaftsbury and Sunderland. Alike enslaved to ambition, they exerted every nerve, and every faculty, to gratify it. The different methods adopted by them for this end, marked the dissimilitude of their tempers. Shaftsbury, impetuous and overbearing, assaulted the forts of power by storm and by violence: Sunderland, timid, crafty, submissive, attempted to gain possession of them by the less suspected, but not less successful, plan of mining

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1685.

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ing and ambuscade. The one, by alarming the fears of his sovereign, expected to subdue his mind to a reluctant compliance with his ambitious schemes; the other, by flattering his weakness and prejudices, insinuated himself into his confidence and favour. With a flexibility, inconsistent with any shadow of principle, he approved, he flattered, he abetted the various humours and measures of every master whom he served. Though a violent exclusionist, he retained his office, and a great share of court interest in the late reign, by the address and assiduity with which he cultivated the favour of the king's mistress, the duchess of Portsmouth. By the same dexterous accommodation of manners, he now gained the good graces of the queen, and was selected by her to be the head of that party by which she intended to undermine the influence of the family of Clarendon<sup>15</sup>. Her expectations were not disappointed. He quickly engrossed the confidence of his master; he became a convert to his religion; honoured priests and confessors; joined in their consultations; and prompted, as it is suspected, the most violent attacks upon the established religion and government<sup>16</sup>.

Of Petre.

Father Petre, his confessor, was the oracle to whom James resorted with implicit faith, and regarded at last as his political, as well as his religious preceptor. As if it had been to publish his defiance of national prejudices, no disguise was used to conceal the affection and the deference he paid a person, whose profession and character justly rendered him obnoxious to the odium and the jealousy of his protestant subjects. He was made clerk of the closet, and admitted a member of the

<sup>15</sup> Reresby, p. 223.<sup>16</sup> Ralph.



privy council; and that his majesty might enjoy frequent and easy access to his private conversation, apartments were assigned him within the precincts of his palace. Petre was a man of slender abilities, and a scanty proportion of learning, but of an enthusiastic and furious spirit, which rushed upon its favourite object, without discerning the obstacles which intervened; ignorant of every rule of prudence, and of the most common arts of managing the tempers of men. To his ascendancy over the mind of the king, and of his consort, were ascribed the openness, the precipitancy, the violence of those plans in support of the Roman catholic religion, disapproved of by its more prudent adherents; and found upon trial to be no less destructive to the purposes they were intended to serve, than they were to the interests of the royal family<sup>17</sup>.

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But of all the instruments of the king's arbitrary measures, there was none more infamous and more detested, by all orders of men, than Jeffries, whom he advanced to the head of the law. While recorder of London in the late reign, he had distinguished himself by the activity with which he opposed the petitions for the meeting of parliament, and promoted the addresses of abhorrence. The court marked him as a fit tool for oppression and violence. He was preferred to be a puisne judge, and afterwards to be chief justice of the king's bench. In his private character, he was impatient, profane, licentious, intemperate, rapacious. By the superciliousness of his behaviour, he disgusted some of the most ancient and sincere friends of the royal family, and made them withdraw from office, and from attendance upon court. As a pleader at the bar, he was petulant, superfi-

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1685.

The king retains in his service the officers who had not taken the tests.

Trial of the dispensing power.

cial, turbulent, calumnious; as a judge, partial, over-bearing, arbitrary, merciless. Under so corrupt a judge, the laws were not only deprived of all their salutary protecting influence, but converted into engines of vengeance against all those who had meritoriously fallen under the royal displeasure. Under such a corrupt judge, the reflecting part of the nation beheld, with grief and astonishment, the laws surrendered to that arbitrary will which they were intended to control, and made subservient to the oppression and the mischiefs which they were intended to counteract<sup>11</sup>.

Regardless of the address and remonstrance presented by the commons, the king still retained in his service those officers who refused to submit to the tests. Though the parliament, in a state of prorogation, was debarred from an opportunity of repeating remonstrances, and of entering into a fair contest with their sovereign, yet, while the courts of justice were open, it was not to be expected, that a people, inspired with a proper sense of the value of liberty, would be so shamefully overawed, as not to bring to a legal examination claims of prerogative, pregnant with destruction to the constitution, and to the religion of their country.

Aware of this attack, the king was preparing to meet it with the most effectual, and, ostensibly, the fairest weapons of defence. Having sounded the sentiments of the judges, and displaced such as were suspected of being inimical to usurpation, he at last accomplished a trial of the legality of the dispensing power, in circumstances most favourable to his wishes. The question was not brought forward at the instance of any individual of rank, or of any confederacy or association of

<sup>11</sup> Warrington. Life of Lord Guilford.

1686.

April.

men who had a real interest in the issue of it ; or who would have felt, with indignation, the injury of a partial decision. A servant of Colonel Hales, a Roman catholic, was instigated, by the emissaries of the court, to lodge an information against his master, for not having complied with the tests, and to claim the legal premium of five hundred pounds, payable by the offender. His suit was brought before the county assize at Rochester, when Colonel Hales produced the king's letter, excusing him from obedience to the tests. The prosecutor next carried his action to the court of king's bench : the cause was argued feebly and coolly in behalf of the informer : every nerve of ingenuity and diligence was exerted by the lawyer for the crown, to defend and legalize the royal dispensation. It was accordingly confirmed by the sentence of the court<sup>19</sup>.

Thus armed with the sanction of the law, the king was resolved to push the advantages of victory, and to exercise, in a wider range, that branch of the prerogative which had hitherto been palliated with the pretence of gratitude, and confined to those officers, who had meritoriously served him during the rebellion of Monmouth.

His first attempt for this purpose, was made upon the Charter-house hospital : a letter was issued under the royal seal, directed to the governors, requiring them to admit a pensioner upon the fund, without exacting any subscription or recognition of his conformity to the church of England, or the oath of allegiance ; qualifications expressly required by the will of the donor. This attempt to violate the laws of the foundation, and to thwart its pious purpose, was resisted with fidelity and spi-

The king exercises it in the Charter-house hospital,  
17th Dec.

<sup>19</sup> Echard.

CHAP. VII. rit by the trustees, upon whom the king threatened  
to wreak his vengeance<sup>20</sup>.

1586-7. The universities of Oxford and of Cambridge  
In the uni- opened the most tempting prospects to the aspiring  
versity of votaries of the Roman religion. If they could  
Cam- once possess themselves of the fountains of science,  
bridge. how easy would it be to purify the streams that  
flowed from them? The faith of Rome would  
again acquire an approved and stable dominion in  
the hearts of the people of England.

February. Elated with these expectations, the king endeavoured to obtain a precedent for the promotion of catholics in the universities, by writing a letter to doctor Peachel, vice-chancellor of the university of Cambridge, commanding the admission of Alban Francis, a benedictine monk, to the degree of master of arts, without administering any oath whatsoever, notwithstanding any law to the contrary. The king's letter was laid before the consistory, and it was unanimously resolved, that they could not comply with his desire, without breaking their oaths. He was stung with disappointment; and the vice-chancellor, whose duty it was to announce the resolution of the university, was summoned to appear before the ecclesiastical commission, and sentenced to lose his office.

7th May.

In Magda-  
len col-  
lege, Ox-  
ford.

While yet embroiled in the dispute with Cambridge, James made an attempt to exercise the same unlicensed and obnoxious power upon the university of Oxford, in an affair where the consequences were still more momentous, and more obvious to the apprehension of every spectator. The office of president of Magdalen college had become vacant, by the death of doctor Clark: the emoluments of the office were considerable, its dignity illustrious, and the power belonging to it

<sup>20</sup> Ralph.

extensive. The royal mandate was issued, requiring the college to elect one Farmer, a jesuit priest, to be their president; accompanied with a dispensation, exempting him from the oaths required by law, and by the statutes of the university. The loyalty of the university of Oxford had surpassed the example of any other public body of men in the reign of the king's father; and had been experienced by James himself, during the dependence of the bill of exclusion, when he seemed to be forsaken by all his friends. From these considerations, his majesty might, perhaps, expect more implicit obedience than he met with at Cambridge; though, surely, attachment was ungenerously repaid, when it was put to the test of betraying a sacred trust, and wounding at once the honour of individuals, and the most precious interests of the corporation. The statutes of the university, which by solemn oath they were bound to observe, required a conformity to the doctrine of the church of England, as an indispensable qualification of every candidate for any office in the university. The king, to whom they had proffered unlimited obedience, required them to elect a jesuit priest, to fill one of the highest offices in the university. Their moral and political creed stood in direct contradiction to each other:—What were they to do? they were ready to resign their rights, their fortunes, and their lives, to gratify the desire of their sovereign: they acknowledged no secular authority, nor any consideration, public or private, to restrain or circumscribe their obedience, and they might boast, therefore, with truth, a loyalty which was bounded only by the laws of heaven. But here they stopped: this was the term of their obedience. They refused to trifle with the sacred obligation of an oath: they pleaded honour, conscience, the merit of past services; but they pleaded

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1687.

1<sup>th</sup>  
April.

C H A P. VII. became the instruments of royal vengeance against the fellows of St. Magdalen college, Oxford, who had resisted his usurped authority. They pronounced a sentence, by which the offenders were disabled from holding any church preferment.

1687.  
The king  
uses means  
to obtain  
a corrupt  
parliament.

Aug. Sept

To those who entered with anxiety into the state of the nation, it seemed extremely doubtful, whether they had most to hope or to fear from the meeting of a new parliament. A parliament modelled by the intrigues, and attached to the interest, of the court, would irretrievably seal the usurpations of prerogative, and give the last fatal wound to their expiring privileges. Such apprehensions were unavoidable, when they observed the artifices and the indefatigable exertions used by the king, to accomplish a legal ratification of the indulgences which he had already granted, and farther intended, to those of his own religion. He now devoted a great part of his time to counsellors, judges, and gentlemen of property; in order to discover their sentiments, and to engage them to support his favourite measures, in their private and official characters<sup>24</sup>. To enlarge the sphere of personal influence, he made a progress through several of the counties of England; and embraced every opportunity of conversing with the nobility and gentry on those subjects, which were ever uppermost in his thoughts. He argued, promised, threatened, in order to work conviction, or to extort approbation. He was diligent in gathering information concerning the principles of others, to whom he had not personal access. The lords lieutenants of the counties received orders to assemble deputies and justices of the peace, within their districts, to discover what line of political conduct they intended to pursue;

<sup>24</sup> Orleans.

and particularly, whether, if returned members of parliament, they would vote for the repeal of the tests, and the penal statutes; and promise to support only the election of such candidates as should be disposed to comply with the king's pleasure. The information, derived from these various channels of inquiry, was intended for the direction of the lords regulators, a new denomination of commissioners, appointed to inquire into the legal qualifications of voters, and the political sentiments which they held<sup>25</sup>. Though the first was the professed object of their jurisdiction; yet it was well understood, that the last was the true object of their creation, and the secret spring of all their decisions.

The new modelling of boroughs by writs of *quo warranto*, was now pursued with the same violence as had been done in the late reign; and employed to diminish that interest, which it was originally contrived to support: an instructive warning to men, precipitated by the violence of party spirit, to take care, lest the base desire of resentment should tempt them to give way to precedents, which may one day be turned to their own destruction. In every instance where the authority of the new commissioners was exercised, the influence of the members of the established church was impaired. Dissenters were introduced into corporations; they were advanced to magisterial dignity: they were destined to be the representatives of the people in parliament<sup>26</sup>.

The address, the industry, and the new and unconstitutional regulations employed by the court, did not meet with the success expected from them. The king was afraid of submitting the fate of his

Disappointed.

<sup>25</sup> Life of Lord Guilford, p. 213.

<sup>26</sup> Echard, Kennet.

CHAP  
VII.

1681.

Orders  
his army  
to be en-  
camped.

Declara-  
tion for  
liberty of  
consci-  
ence.

4th April  
1687,  
24th April  
1688.

4th May  
1688.

favourite schemes, to the precarious decision of parliament. Unable to brook disappointment, and unwilling to recede from his fond resolutions, he now seemed determined to accomplish the performance of them, by means the most desperate and alarming to the nation. Notwithstanding he had lost a supply of seven hundred thousand pounds, by an abrupt prorogation of parliament; yet he had managed his revenue with such dexterous economy, as to be able to maintain a larger army than had been known in any former period of peace. He had ordered that army to be put in warlike array, and encamped on Hounslow-heath; as if the kingdom had been threatened with immediate invasion by a foreign power.

Thus prepared to bid defiance to the laws, the king published a declaration for liberty of conscience; and expressed his firm purpose to dispense with oaths and tests for the future. This declaration was attended by an order from him in privy council, that it should be read through all the churches in England; and that, for this purpose, the bishops should cause it to be sent and distributed through their respective dioceses. By this resolution the king filled up the measure of infatuation, ingratitude, and tyranny; and hastened the crisis of national deliverance. The church of England had embarked their all with his father; and had fallen with him. Their interest, and that of monarchy, had been considered as inseparable. From the period of the restoration, they had magnified the prerogative; and had inculcated the most abject sentiments of passive obedience. But they were not even suffered to be passive subjects of tyranny: they must do violence upon themselves: they must become the instruments of their own destruction: their obligations to fidelity in their profession, must yield to their engagements of al-  
-legiance



legiance to the prince. Six bishops, together with the archbishop, met at Lambeth; and, after solemn consultation, resolved, not to be accessory to ensnare the consciences of the officiating clergy: but to take the whole blame upon themselves, by refusing to obey the order of the privy council; and to transmit the king's declaration. If there had remained in the breast of the prince the smallest regard to prudence, the refusal of such a body of men might have warned him, that he had already advanced to the utmost verge of wanton authority. It was, as if a voice from heaven had announced, "No farther shalt thou go." A petition from the bishops, drawn up in the most respectful terms, was pronounced an aggravation of their offence. They were committed to the Tower: they were tried for publishing a seditious libel against his majesty and his government: they were acquitted. The temper of the nation was conspicuously displayed in every stage of their prosecution. Innumerable spectators, with groans, and tears, and prayers for their safety, beheld them carried along as criminals to prison. When the sentence of acquittal was pronounced, Westminster-hall, the city, and the camp, resounded with acclamations of joy.

CHAP.  
VII.

1688.

The bishops refuse to transmit it to their dioceses.

18th May.

They are imprisoned, 8th June.

Tried and acquitted, 15th June.

## A P P E N D I X:

*Inquiry whether the Prince of Orange was necessary to Monmouth's Invasion.--He is accused by D'Avaux--by Father Orleans.--Arguments in Vindication of the Prince of Orange.--The Reflections of Mr. Macpherson, upon the Conduct of the Prince of Orange, unfounded and illiberal.*

Inquiry  
whether  
the prince  
of Orange  
was neces-  
sary to  
Mon-  
mouth's  
invasion.

**W**HETHER the prince of Orange had any part in advising, or in promoting, the expedition of the duke of Monmouth, is a question which very materially affects his character, and belongs to the political history of that period. The whole conduct of the prince of Orange, towards the duke of Monmouth, is represented in such a view, and placed in such a connexion by some historians, as to refer to Monmouth's expedition; and by others, the contrivance of it is, in direct terms, laid to his charge. Let us attend to the arguments adduced upon either side of the question, and to the characters of the historians who support them with their credit and authority.

He is ac-  
cused by  
D'Avaux;

D'Avaux, the French resident in Holland, descends into a minute description of the assiduous attentions exercised by the prince and princess of Orange, to flatter the vanity, and court the friendship, of Monmouth, while he continued in Holland, during the latter part of the reign of Charles II. The prince of Orange ordered his guards to salute Monmouth, a mark of respect seldom paid

paid to any but the legitimate relations of the royal family : he allowed him to enter into his private apartments, with the familiarity of a domestic : he consulted with him often, and upon affairs of moment : he bestowed the most important favours upon his recommendation : he departed from his natural reserve and gravity, by entering into those gay amusements which were adapted to the frivolous taste of his guest. The princess of Orange, in obedience to the orders of her husband, scrupled not to stoop to ridiculous and even indecent levities, for the amusement of her relation. These extravagant condescensions, it is insinuated, were not made without a view of ensnaring the confidence and acquiring an ascendancy over the mind of Monmouth, destined as a tool to work out the dark schemes of William, ever political and projecting<sup>1</sup>.

CHAP.  
VII.  
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DIX.

More directly to the purpose, it is asserted by the same author, that, upon the news of the death of Charles II., the prince was shut up in close consultation with Monmouth, at midnight<sup>2</sup>. That after his departure to Brussels, he maintained a constant correspondence with Mr. Bentinck, the prince's greatest confidant: that he afterwards returned to Amsterdam, where he lived *incognito*, and made the necessary preparations for his expedition into England ; circumstances too important to escape the knowledge of the prince : who, when applied to by Skelton, the ambassador of James, to stop two vessels in the Texel, retained for the service of Monmouth, contrived delays, in order that they might escape ; and that he did not exert himself, with zeal and activity corresponding to

<sup>1</sup> D'Araux, 18th and 25th January 1685.

<sup>2</sup> Ibid. 22d February.

his

CHAP. his duty and engagements to James, to discover  
 VII. and counteract the consultations and projects of  
 APPEN- the English refugees associated with Monmouth <sup>1</sup>.  
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The same historian mentions his having heard, that the king of England had found letters written by the prince of Orange, which discovered the intelligence he had with Monmouth; and that he had afterwards met with a contract between William and Monmouth, in which both consented to promote the princess of Orange to the throne, provided that Monmouth was allowed to hold the first place of authority in the kingdom <sup>2</sup>.

by James; King James, in positive terms, ascribes the invasion by Monmouth to the counsel and assistance of his son-in-law; and assigns this plausible reason, which induced him to depart so flagrantly from the ties of affection, and the professions of filial respect and duty, which he openly made. "As the prince had only two rivals, who stood between him and the throne, the most obvious policy suggested to him the playing the one against the other; and in prosecution of this design, to instigate Monmouth to invade the throne of England: an attempt, which, in every issue of it, must necessarily be productive of his private advantage. The success of the duke of Monmouth, if it happened, would demonstrate the inclinations of the people of England, to prefer an imperfect title to the throne, when the interest of religion was at stake. The illegitimacy of his birth, as well as his unsuitness for government, would easily induce the nation, upon cool reflection, to transfer their affections to the prince and prin-

<sup>1</sup> D'Avaux, 8th March, 29th April.

<sup>2</sup> Ibid. 30th May 1686.

“ cels of Orange, the next lawful heirs of the  
 “ protestant persuasion. But if an event more  
 “ probable should take place, if Monmouth  
 “ should be defeated, and his person fall into the  
 “ hands of the king, the prince might expect to  
 “ succeed to his interest and friends, and to  
 “ advance one step nearer to the throne of Eng-  
 “ land.”

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The single fact, adduced in support of these conjectures concerning the ambitious speculations of William, is, that Bentinck, who was sent by him to congratulate king James upon the defeat of Monmouth, was visibly alarmed and perplexed, when he was informed, that the king had consented to admit Monmouth into his presence, lest he should purchase his pardon by discovering the treachery of the prince of Orange, and “ that he was never at ease till Monmouth’s head “ was cut off.”

Father Orleans not only coincides with James in accusing the prince of Orange of being privy to, and assisting, the expedition of Monmouth, but is at pains to remove an objection to this opinion, which might be drawn from the prince’s conduct in sending Bentinck to make an offer to James of the troops of Holland, and his personal service against Monmouth. This, he alleges, was occasioned by the imprudent ambition of Monmouth, who, contrary to the terms of agreement between him and William, had assumed the title of king, and provoked resentment in that quarter from which he expected to have drawn assistance’.

by father  
 Orleans.

<sup>5</sup> Life of James, 1685, Extract 4.

<sup>6</sup> Ibid. November 26, 1685.

Orleans, 1685.

CHAP. VII. Let us attend to the evidence on the other side:

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Arguments in vindication of the prince of Orange.

The trifling anecdotes, relative to the intercourse between the prince of Orange and Monmouth, and the civilities the former shewed the latter, happened previous to the death of Charles the Second, and cannot fairly be imputed to any immediate view to the throne of England; and, with still less propriety, can they be admitted as a proof of the prince's participation of Monmouth's expedition, occasioned by an event at that period contingent and unexpected. Though Charles the Second was much under the influence of his brother, and, in order to discourage Monmouth from interfering with him in the succession to the throne, had announced external expressions of displeasure against his son, yet, as he still loved him with great tenderness, it can scarcely be believed, that he was dissatisfied so much, as he professed to be, with the distinction and kindness with which his nephew treated Monmouth when his guest. This reason the prince of Orange assigns in a letter to his confident Bentinck, in which he complains of Mr. Chudleigh's insolence, for having reproved him for it in name of the king\*. "He is the son," says he, "whom he has pardoned for the faults he has committed, and though he has removed him from his presence, I know that, in the bottom of his heart, he has always some friendship for him, and that the king cannot be angry with him." There is a note in Monmouth's pocket book,

\* Chudleigh, instead of addressing the prince to remove Monmouth, addressed the Dutch officers, and forbade them to salute him, which so provoked the prince, that he lifted his hand to Chudleigh. Secret History, vol. ii. p. 9. The prince had ordered his troops to pay military honours to Monmouth, because he had served with him as a general in the Netherlands..

seized

seized when he was apprehended, from which it appears, that Charles could not suppress his affection for him, even at the time that he put him under disgrace. "He could not," says he, "dissemble his satisfaction, he pressed my hand."

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D'Avaux himself, in the same way, accounts for the prince of Orange's disregard to the public orders he received from England. by continuing to entertain Monmouth at his court. "The prince," says he, "has not lost his understanding, but he must have been quite bereft of it by such behaviour towards the king of England, if he had not been assured, that his majesty was secretly pleased with it." And after the accession of James, he says, upon the authority of count de Waldeck, "that the late king of England was very well pleased with the prince's honourable treatment of Monmouth."

From these testimonies it appears, that William did not lose sight of prudence while he caressed his exiled friend. The public and avowed will of princes often expresses a direct contradiction to their private wishes and affections, and are so interpreted by the persons to whom they are addressed. It is not improbable, that the prince of Orange had full assurance, that while he violated the orders of the king, formally announced by the mouth of his ambassador, he gratified the affections of the parent, and formed the most acceptable pretensions to the gratitude of his uncle. Independently of all prudential considerations,

<sup>9</sup> Wellwood, Ap. No. 14.

<sup>10</sup> D'Avaux, 25th January 1685.

<sup>11</sup> Ibid. 1st March.

CHAP. may not some influence be ascribed to the temper  
 VII. and insinuating manners of Monmouth? He pos-  
 APPEN- sessed some share of the wit, and all the graces  
 DIX. of his father, freed from the awe and restraint  
 imposed by elevation of rank. It is no wonder  
 if these qualities at times tempted the prince to  
 lay aside that austerity, which a life, harassed  
 with care and tumult, and occupied with the most  
 important business, had increased to a degree  
 offensive to his most familiar friends. From the  
 intimacy that subsisted between Monmouth and  
 the prince of Orange, it might naturally be ex-  
 pected, that they would mutually converse and  
 consult together upon any business of importance  
 to either of them. That they did so, upon the  
 news of the death of the king of England, may  
 be fairly admitted; but since the result of these  
 consultations has not transpired, no criminality  
 can be inferred from them, nor do they carry  
 any evidence of the prince's interference with the  
 expedition of Monmouth.

The story, which D'Avaux mentions, of the  
 king of England having found letters of the  
 prince of Orange, which discovered his cor-  
 respondence with Monmouth, and of his having  
 found a contract between the prince and Mon-  
 mouth, bears no marks of authenticity; it is only  
 hearsay evidence. Not one of the authors of the  
 story is named. The subject of the letters is not  
 specified; the contract, it is admitted, was not  
 signed. The contents of it; namely, that the  
 princess of Orange should be queen of England;  
 were quite irreconcilable with the determined  
 resolution of William, not to hold the crown of  
 England in dependance upon his wife. It is re-  
 markable, that James, in the history of his life,  
 takes no notice of having found such a contract  
 and such letters; an omission unaccountable,  
 when



when we consider how much this discovery would have reflected upon the character of the prince of Orange. Not the least credit can be given to a story so vague, so ill supported, so full of contradiction and absurdity.

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With regard to the backwardness of William, in not seizing the ships supposed to be retained for the service of Monmouth, and in not doing what he might have done to obstruct his expedition; the first of these; namely, the seizing of the ships retained for the service of Monmouth, was the proper duty of the court of admiralty at Amsterdam, and the blame of not doing it falls to its charge<sup>12</sup>. The circuitous, cumbersome forms, arising from the constitution of the States, afford persons in administration a specious pretext for the delay of business which they do not cordially wish to promote. The connexion which William had formed with many of the English refugees, who were friends to Monmouth, with views, no doubt, political, though not criminal, rendered him unwilling to make a strict inquiry about them, or to do any thing to forfeit their esteem and affections, though he might not be privy to their immediate designs. The States, who might have co-operated with William in any effectual search after the disaffected subjects of James, entertained strong prejudices against that prince on account of his religion, and the suspicion they entertained of his having fomented the divisions between them and England, during the reign of his brother. The protection of strangers is a fundamental principle in the constitution of the States, and a delicate, inflexible adherence to it might, upon this occasion as well as upon others, be interpreted a connivance at those who claimed

<sup>12</sup> Ralph, vol i p. 855.

CHAP. the benefit of such protection. D'Avaux suggests  
 VII. arguments, which serve for the exculpation of  
 APPEN- William from any share in Monmouth's expedi-  
 DIX. tion. The prince, according to his testimony,  
 advised Monmouth to write a letter to James upon  
 his accession to the throne, assuring him of his  
 entire fidelity and obedience as a subject<sup>13</sup>.

With regard to the remarks contained in the life of James, they are merely conjectural, and are evidently tinged with the suspicion and the resentment generated by his misfortunes. The life of James was composed, while he lived in a state of degradation and exile, depressed, doubtful, perhaps despairing, of the future restoration of his family. Though his own imprudence was the cause, the prince of Orange, however unblamably or laudably, was the immediate instrument of the disgrace and calamities with which he was loaded. Is it matter of surprise, if disappointment and resentment magnified, in the conception of James, every circumstance, which appeared to him ungenerous and immoral in the conduct of his son-in-law; or that he imputed to him a share in every previous plot and association, which had contributed to disturb his peace, or strip him of his dignity? When we think that any person has grievously injured us, indignant imagination accumulates his crimes beyond the bounds of evidence, and puts a construction upon preceding actions, which did not enter into our minds when unruffled by passion, at the time that they first passed under our review, and which, to the unprejudiced and disinterested judge, appear harsh and inadmissible. We charge our adversaries with motives and projects, which either existed not at all, or were evidently suggested by

<sup>13</sup> D'Avaux, 27th February, 1685.

circumstances posterior to the date affixed to their commencement, by the partial and the exasperated mind.

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The offer which the prince made by Bentinck, of serving in person at the head of the troops against Monmouth, is a sufficient confutation of his being concerned in that expedition. "This might be granted," says father Orleans, "if it were not for this consideration, that Monmouth's having assumed the title of king, in direct violation of the contract between him and the prince, provoked the latter to lend his aid to thwart the ambition of the former, and, at the same time, to pretend to great merit by the offer of his services to his father-in-law." But the disproof of this allegation rests not upon conjecture, but upon a matter of fact. When Bentinck was sent over to make an offer of the Dutch troops, the prince of Orange was ignorant of Monmouth's having assumed the title of king; for he was first proclaimed at Taunton, upon the very day that Bentinck had his audience at Whitehall<sup>14</sup>.

How improbable the story concerning the apprehensions of the Dutch ambassador, when he heard that Monmouth was to be admitted into the presence of the king, lest he should discover the treachery of his master? The habitual prudence and reserve of William, the openness and levity of Monmouth, rendered it to the last degree improbable, that the former, whatever he wished or intended, would have put himself entirely in the power of the latter, by expressing, or even in the most distant manner insinuating approbation of his conduct, or by entrusting him with a secret,

<sup>14</sup> Biogr. Brit. vol. ii. p. 210. Secret History of Europe, vol. ii. p. 18.

CHAP. VII. which might one day be divulged, to the injury of  
 APPEN- his own reputation, and to the utter ruin of his  
 DIX. interest in England. Or, if he had imprudently  
 ventured so far, would he have provoked Monmouth to expose his shame; by openly sending an ambassador, to congratulate James upon the suppression of a rebellion, which he himself had instigated? And why should the ambassador only dread a personal interview between James and his nephew? Might not Monmouth by writing, or at second hand, by a verbal message, have imparted the fatal secret? He did actually write a letter to James. To what purpose? Not accusing, but in the most express terms acquitting the prince and princess of Orange, of all share and participation of his crime. He moves it as a mitigation of his guilt, that it was not the offspring of his own heart, but the suggestion of evil counsellors; and as an evidence of this, he adds, that the prince and princess of Orange will bear witness for me, that I gave my promise to them, that I never would stir against your majesty<sup>15</sup>.

With regard to the character of father Orleans as an historian, it is of importance, once for all, to observe, that whatever occurs to invalidate the evidence of James, in this or in any other instance, produced to impeach the character of the prince of Orange, may with equal force be urged as an exception to the authority of Orleans. Orleans professes to derive all his information from James, and even boasts of taking up his pen, at his desire, and in his vindication<sup>16</sup>.

To what has been already observed, I may add, that many external circumstances, as well

<sup>15</sup> Echard, vol. iii. p. 771.

<sup>16</sup> See Preface to his History.

as the behaviour and true interest of the prince of Orange, suggest strong arguments for his acquittal of the charge of instigating the rebellion of Monmouth. Impelled by every motive of prudence, the prince of Orange discovered the most anxious solicitude to maintain a strict friendship with his father-in-law, after his accession to the throne of England. Involved in domestic and foreign dangers, his authority as stadtholder, constantly opposed by the city of Amsterdam, which watched every opportunity to impair or overturn it, stood upon a tottering basis. The restless ambition and resentment of France had destined his destruction. The only probable means of securing his personal authority, and the peace and independence of the States, seemed to flow from the succour and the friendship of England. He was at this very time negotiating an alliance against France, to which the accession of James was essential, and he entertained the most sanguine hopes of obtaining it. With regard to his views on the succession of the crown of England, they were more likely to be obstructed, than promoted, by the expedition of Monmouth, whatever the event of it might be. The success of Monmouth, if it had taken place, would not have been easily overturned. His defeat could only tend to discourage the hopes and future attempts of the disaffected party in England, to increase the power and establish the throne of the reigning prince, and to remove, till the event of his death, all hopes of that elevation, at which the prince of Orange is represented to have precipitately grasped, by encouraging and aiding rebellion.

CHAP. VII. I have the more largely insisted on this subject, because a modern historian, Mr. Macpherson, has not only decided peremptorily concerning the prince of Orange's connexion with Mon-

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The reflections of Mr. Macpherson upon the conduct of the prince unfounded and illiberal.

mouth, in his expedition against James, but, by an artful arrangement of his story, represents his conduct towards Monmouth, for many preceding years, as formed and directed with a view to that event<sup>17</sup>. The following sentence, particularly deserves to be attended to, because it seems to suggest matter for confutation of the opinion which it contains. "The generosity of the prince," says he, "equalled not his professed zeal for the service of Monmouth. The unfortunate duke derived from his own plate and jewels, his whole treasure for prosecuting the war<sup>18</sup>." Is it not unfair to assume as a fact, what is not proved; nay, what is so much against evidence; namely, the zeal of William for Monmouth's service? Is there not adduced by himself, a strong presumption against what he asserts as a fact? He gave him no money. Was that like zeal for his service?

After all, the arguments now adduced are to be considered as referring to this single question, "Whether there is any reason to believe, that the prince of Orange advised, or abetted, the expedition of Monmouth? Whether he was a partner in his guilt?" The prince of Orange, we may naturally suppose, from the period of his marriage, had his thoughts much turned towards the throne of England. He cultivated an intimate connexion with many persons obnoxious to the displeasure of his uncle and of his father-in-law; his motives for so doing might

<sup>17</sup> Macpherson, vol. i. c. 7.

<sup>18</sup> Ibid.

be of a mixed nature. He was not insensible to the charms of ambition; the throne of England might one day devolve upon him in the line of fair succession, and prudence suggested a watchful eye to the state of parties, and to the use of all lawful means to increase his friends, and strengthen his interest. Nor would it be candid to withhold credit to him for more generous motives. He was a true friend to the protestant religion. Though enough anxious about maintaining his own authority at home, he wished also to secure the independence of his native country, and to save it from the invasion of an ambitious neighbour, who had marked it for his prey. The political conduct both of Charles and of James interfered with his private interest and most liberal purposes; and we need not wonder, that, in his turn, he endeavoured to thwart their measures, and for this end embarked with those in England, who struggled for the depression of regal power, and the security of liberty and of the protestant religion <sup>19</sup>.

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<sup>19</sup> We find in the life of Principal Carstairs, by Dr. M'Cormick, an insinuation of the prince of Orange having been accessory to Argyle's rebellion; an event generally understood to have been connected with Monmouth's invasion. "In a paper of accounts of money disbursed by him for the prince's service, "I find a sum stated to a captain Wishart, who was master of the vessel in which lord Argyle went home; of whose honesty and willingness to serve the prince, I am well assured." Life of Carstairs, p. 35.

Dr. M'Cormick adds, "This is the only evidence I have ever met with, that Monmouth and Argyle were countenanced in their undertaking by the prince of Orange. Here we have William giving money to the person who brought Argyle over, in order to assist the duke of Monmouth in his rebellion, at the very time when he is offering to James to come in person to extinguish that rebellion. The publisher leaves it to political casuists to solve this phenomenon."

CHAP. VII. It does not appear, that Carstairs gave this money to Wishart as a reward for having carried Argyle to Scotland, or that it was given with the knowledge, or by the direction, of William. APPEN- DIX. In the series of political intrigues the prince of Orange was carrying on in Scotland, justifiable by a regard to his own interest, and also by a zeal for the cause of liberty, he must of necessity have left a discretionary power to his principal agents, both with respect to the concerting of measures, and the bestowing of money. Mr. Carstairs might approve of Argyle's expedition, though William was ignorant of it; and might pay Wishart money upon that very account, out of the fund which was put into his hands for the service of the prince and his friends in general, without any specification of the articles to which it was to be applied. Intrusted with a discretionary power, the agents of the prince, from motives of delicacy, in the case alluded to, might conceal both the measures and disbursements which they authorised. Considering the needy condition of William's friends in Scotland, and the expence of their political negotiations, it is probable, that the master of every ship, sailing from Holland or Scotland, whom they could trust, would receive money from William's agents, to transmit to their friends, in repayment of sums which had been advanced, or were to be advanced in carrying on the patriotic cause. Unless the purposes for which this sum was paid had been mentioned, or the privacy of William to it asserted, his character contracts no stain from this discovery.

CHAP.



## C H A P. VIII.

*Immediate Causes of the Revolution.—The bigotted Attachment of the King to the Roman Catholic Religion.—His Claim to the dispensing Power.—The Abilities, Activity, and Intrigues, of the Prince of Orange.—Political State of Europe.—Union among the States of Holland.—Ill Fortune and imprudent Conduct of James.—The Declaration of the Prince of Orange.*

FROM the facts recited above, we can be at CHAP. no loss to account for that entire change in VIII. the temper of the nation, which paved the way for the subsequent revolution of government. But, in order to enable the reader clearly to understand the political history of that period, it may be useful to point out the immediate connexion between causes and effects; to enlarge more fully upon those measures of government, which spread alarm and disaffection; to enter, in some measure, into the motives, and reasonings, and passions, which pervaded the generality of the people, and combined the efforts of men of the most opposite principles and interests, to work the national deliverance. Signal revolutions, in the state of nations and government, are rarely accomplished by any single event, however important, or by the sole operation of internal causes. A happy coincidence of contingent events, and of

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ate causes  
of the re-  
volution.

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of the dispositions and interests of those who are not so immediately affected by them, are necessary to give success to enterprises, which, though arising from oppression, and conducted with wisdom and courage, might have been exposed to the charge of rashness and criminality, if they had failed of the success at which they aimed.

The bigotted attachment of the king to the Roman catholic religion.

1. The evident design of the king, to encourage and to propagate the Roman catholic religion, and the means employed to carry that design into execution, were justly alarming to the great body of the people; impeached his wisdom and integrity, with the reflecting part of mankind; and impaired the attachment of those who were best affected to his person and government. The undisturbed exercise of his own religion he might have enjoyed, not only without loss of reputation, but, perhaps, with advantage to his character. There is something in principle, however wild and unreasonable it may appear, which excites a reverence for the person who maintains it; and when the fervour of opposing zeal abates, and the quiet possession of our own opinions is secured from assault and danger, the steadiness of those who differ from us, raises our opinion of their integrity, in a proportion which more than compensates for the impeachment of their judgment. We esteem the virtues of the heart; we pity, rather than condemn, the errors of the head. The openness and resolution of the prince, in having avowed his conversion, at a period when it endangered his succession to the throne and interrupted domestic tranquility; his consistency and perseverance in the same profession, placed for a while, in an illustrious view, his character for sincerity. A favourable opinion of his sincerity, obtained implicit credit to whatever he declared.

declared. His promise at his accession, repeated CHAP.  
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in his first address to parliament, to maintain the established religion and government, removed every gloomy apprehension, and gave entire satisfaction to his protestant subjects. But when the prince forfeited the character of sincerity, when his actions and measures were directly repugnant to his promises and declarations; esteem and loyalty declined apace; the apprehension of danger rose to the utmost pitch. It was no longer restrained by that personal attachment, which opposes the tender feelings of affection to the dictates of prudence and a sense of duty. The most sincere friends of the king, were those who, from principle, were still more cordially wedded to the interest of the church of England. What could the prince mean, by his promise to maintain the established religion; or, what could the nation expect from this promise, but that he was to allow the legal disadvantages, imposed upon those of a different persuasion, to continue as he found them at his accession to the throne? Was it not the labour of his reign, by artifice and violence to remove them? Was there one stone of the partition wall allowed to stand? If catholic officers were admitted into the army; if members of corporations were not required to conform to the established church; if schools and universities, as much the fountain of prejudice as of truth, were to be open to the most learned and intriguing of the church of Rome, in what sense could the established religion be said to be maintained? By what sophistry or refinement of argument could the royal honour be vindicated; or, the prince held forth as a model of truth and sincerity?

But, allowing that the king had been bound by no promise, and that he might, consistently with honour,

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honour, have done all that he could, to support and to promote his favourite faith; yet his schemes were neither concerted with deliberation, nor executed with prudence, adequate to the arduous task he wished to accomplish. Many interesting events, which had occurred in the reign of his father and brother, and his own experience of a narrow escape from degradation and exile, might have afforded this prince the most affecting evidences of the deep-rooted aversion of the people of England, against the Roman catholic religion. If, notwithstanding these, conscience impelled him to rush upon difficulties and dangers; prudence demanded the utmost exertion of ingenuity, in devising methods to diminish and to overcome them. On the contrary, all his schemes were precipitate, violent, and, to the last degree, alarming to those who had any interest in opposing them. He was like a vain and rash general, who, relying entirely upon his own undaunted courage, not only despises artifice and stratagem, but, with frantic insolence, proclaims to his enemies the quarter towards which he next intends to direct his arms, ere he has yet made the necessary preparations for the attack. The silent, but powerful influence of exalted station, if it had not been attended with a defiance of law, might have gone far to gratify his fond desire of proselytism; and could hardly have failed, in progress of time, to have attracted a respectable number of followers. The motives, by which the king might, imperceptibly, have moulded the inclinations of the more selfish and interested part of his subjects; the authority of persons of rank and unsteady principle, whose mean servility would have led them to prefer the religion of the court; must have produced a wide influence, and gained over many converts

to the royal faith. Had he patiently waited the operation of these causes, before he had recourse to open and violent measures for converting his subjects, the impressions he would have made, and the success he would have gained, might have divided the inclinations and the strength of the nation, and cramped those resources, which invited a sagacious prince, to the certain prospect of working out his own elevation, and the deliverance of an oppressed people. An ambassador commissioned to attend the court of Rome, and to solicit a reconciliation to the kingdom of England: Roman catholics invested with dignity and office: a Roman catholic bishop consecrated within the walls of the chapel royal: Monks, Jesuits, Recollects, Carmelites, who had hitherto sculked in darkness and obscurity, received at court, crowding to places of the most public resort, and essaying conversions in the face of day; were such unequivocal annunciations of the king's intentions, as at once overturned the confidence hitherto reposed in his promises, and called for the most speedy and boldest weapons of resistance.

2. The claim of the dispensing power, exercised in favour of the Roman catholics, and ratified by the judges, spread an universal alarm, multiplied the number of the disaffected, and hastened those schemes and consultations which tended to a revolution of government. If it were the object of inquiry, to ascertain the point of law as it then stood, with respect to the dispensing power of the crown, or to determine concerning the integrity of the judges, who formed that unpopular decision, which so much agitated the friends of liberty, it would, for that purpose, be incumbent upon me, to collect examples of the claims and the practice of the kings of

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His claim  
to the dis-  
pensing  
power.

CHAP. of England from the earliest ages, and of the  
 VIII. resistance and concessions of the people, so far  
 as they relate to this subject. The result of this inquiry would be such, as attends every other question, relative to the interfering privileges of different component branches of any government, before it has attained a mature form and regular establishment. Fluctuating interests, changing prejudices, the ebb and flow of regal power, afford various and contradictory precedents, and, of consequence, specious authorities in support of inconsistent propositions. But, without entering into the debates on the force of state precedents, when opposed to national freedom and happiness, and without seeking for counter precedents, which abound in the history of our constitutional struggles, to balance these authorities, the present occasion afforded ground peculiar to itself, for arraigning both the wisdom and the integrity of those, who sided with prerogative, in the momentous question, which now riveted the attention, and roused the zeal of every patriot. Particular penal statutes had been enacted for the sole purpose of securing the safety of the royal person, or maintaining the dignity of the crown. Prudence and mercy might concur in recommending a mitigation or suspension of these. There are seasons, when lenity may tend to soften that outrageous disaffection, which the rigid execution of law cannot subdue, and when mercy dictates, and justice does not forbid, the generous interposition of prerogative. The king might wave the exercise of penal authority, with which the law had intrusted him for his own defence and advantage ; just upon the same ground, that every private person may forbear to prosecute the man who has encroached upon his right, when the rigorous exaction of law can only contribute to the accumulation

mulation of injury and of danger to himself. CHAP. VII.  
In other instances, where, from the oversight of the legislature, or the change of circumstances, a rigid prosecution of law would counteract the spirit of the constitution, and become oppressive to individuals without any benefit to the public, the king, though the guardian of the laws, might suffer them to be neglected or transgressed with impunity. And still, with greater propriety, might his connivance be admitted in cases, where expediency and public interest, acknowledged by the unanimous voice of the people, recommended it. But, in the present question, without the shadow of respect to any of these considerations, without any motive drawn from public advantage, or his own private safety, the sovereign preferred his claim to the dispensing power, in order to extort from his subjects the most valuable immunities, assured by the uniform tenor of the laws. By these his majesty's protestant subjects had acquired an exclusive property in all public offices, ecclesiastical, civil, and military. If the king, without their consent, could deprive them of this privilege, or, by virtue of the prerogative alone, abrogate any law, which, without the advice of the national representatives, he could not frame: what was there in the rights of an Englishman that remained independent and secure? But it was not merely the narrow view of interest, that called forth resistance; though, upon that ground, it might have been vindicated, by every principle of reason and of justice. Their religion they held to be dearer than their fortunes or their lives. Their religion their fathers and themselves had laboured to secure, by every means of assurance and defence, within the compass of the laws. But, if these were to be overturned by the

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the breath of an arbitrary monarch, how vain their past labours ! how dismal their future expectations ! What a notorious breach of faith in the prince ; and how mortifying to those who were affected by it ! Nothing so much exasperates the mind, as the reflection of having been duped by the persons in whom we most confided, and whose interests we intended to serve, by the very concessions which have been turned against us. During the dependence of the question concerning the exclusion, all parties were of one mind in reprobating the Roman catholic religion. The only difference of opinion arose, from the various modes proposed, in order to guard against the dreaded mischief. Some contended, that nothing less than an absolute exclusion of a popish heir, could save the religion of the nation ; while others professed to believe, that tests and penal statutes were adequate to every purpose of public interest and private justice, to maintain at once the line of succession unbroken, and the privileges of the subject inviolate. The personal friends of the duke of York filled the last class. Of the effect and the stability of the laws, they entertained not the smallest suspicion. If it had ever been imagined, that a power of dispensing with the laws was affixed to the crown, the dispute would have been speedily brought to an end, and the present king never would have been permitted to grasp that authority, which he now stretched to the confusion of his friends, by thwarting all those declarations of maintaining the protestant religion, upon which they had too implicitly been engaged to lean.

There are certain propositions, which appear intuitively so preposterous, that it is impossible any description or argument can add to the disapprobation and abhorrence with which they are contemplated by every sound and upright mind. If a king be vested with a discretionary power of dispensing



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penning with the laws, what remains deserving of the name of a free constitution, or of a settled government? Acts of parliament become a collection of insignificant letters; judges and courts of justice not more important than a piece of theatrical pageantry. The security of every thing sacred and valuable is at an end, and the inhabitants of Britain would enjoy no pre-eminence over the wretched slaves, who bow with terror and implicit submission to the edicts of a tyrannical despot. Far from pre-eminence, every circumstance of mortification and of wretchedness must belong to those, who formerly made their boast among the nations. Men born in slavery cannot comprehend the value of a blessing they never experienced; and the sympathy of spectators often exceeds the bounds of their sufferings. The elevation of mind, formed by the habit of liberty, plunges the man who is bereaved of that liberty, into the lowest abyss of misery and despair.

Men, of every station and party, yielded themselves to the deep impression of these sentiments. The religion and the rights of their country were interesting concerns to every patriotic and generous heart. Those who, in the former reign, had invariably exalted the prerogative of the prince, now opened their eyes to dangers, which, in a moment, overturned their specious theories. They perceived that there was a point, at which submission ought to end, and resistance to begin. Those who were attached to the person and family of the prince, lamented with unavailing sorrow, that incurable bigotry, which pushed him headlong upon irretrievable destruction. It was no longer necessary to tell men what their grievances were, or to inflame their imaginations, by exaggerated descriptions of them. They felt them; they were ever present to their view; they apprehended the full

\* Warrington's Works: Sir Edward Herbert's Defence. State Trials.

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The abilities, activity, and intrigues of the prince of Orange.

3. The activity, vigilance, and intrigues of the prince of Orange, coincided exactly with the necessity and the desires of the people of England, and contributed to accomplish a revolution of government, with expedition and unanimity, which could not have happened, under the conduct of a person, less distinguished for abilities, or by blood more distantly related to the reigning prince. In order to illustrate this observation, it is of importance, not only to attend to those facts, which clearly evince the interference of the prince of Orange in the political affairs of England, but also to investigate the motives and views by which that interference was attracted, and the purposes to which it was conducted. Ambition is a passion so prevalent

prevalent in the human mind, that we seldom admit of any other motive, as the spring of those measures which terminate in the enlargement of power. But, as power is the instrument of beneficence, as well as personal aggrandizement, it is but fair to inquire into the means by which it has been sought, and the use to which it has been applied, before we pronounce sentence concerning the character of the man who has pursued it with uncommon success.

The prince of Orange, almost upon his first entrance into the world, was doomed to share in the misfortunes of the royal family of England. His private fortune was impaired, by the generous assistance which his father gave to Charles II. to enable him to recover the throne of England. Oliver Cromwell, from an implacable resentment to the family of Stuart, whose power he wished to extirpate in all its branches, made it an express condition of restoring peace to Holland, that the infant prince of Orange should be divested of all his dignities, and that the office of stadtholder should not be revived at any future period<sup>1</sup>. The connexion of blood, and the participation of suffering, did not beget any warmth or partiality of affection in his uncles towards their nephew, nor did they consider themselves as under any obligation to raise him to a share of their prosperity after the restoration<sup>2</sup>. Charles II., and his brother the duke of York, from the influence of their education in France, seem to have imbibed a peculiar aversion to the States of Holland. In the course of private conversation and correspondence, when free from the restraints of policy, they were known to express themselves, concerning the character of the Dutch, in terms hardly consistent with decency and good manners<sup>3</sup>. Of the two wars with Holland, in the reign of Charles II., one of them was

<sup>1</sup> *Histoire de Stadthouderat*. <sup>2</sup> *Life of Clarendon*, vol. ii. p. 226.

<sup>3</sup> *Dalrymple*, Ap. p. 4, 5.

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commenced against the general approbation of the people of England, and both carried on with ardour and pique, on the part of the king, that indicated too much of the spirit of a private feud. At a period when the bounty of France to Charles was withdrawn, and when he was compelled to use every artifice to regain the declining affections of his subjects, he was persuaded, by lord Danby, to approve of the addresses of his nephew to the lady Mary, and to recommend him to be her husband. The private manners of William, grave, stern, and reserved, were but little calculated to win the affections of a prince, gay, jocular, voluptuous; while, at the same time, his political principles formed a direct contrast to those of Charles, and of his father-in-law the duke of York. Far from contributing to the aggrandizement of one so nearly related to the royal blood, Charles, as we have already seen, without remonstrance or interposition, beheld him ready to sink under the violent and unprovoked oppression of his imperious neighbour, the king of France. He not only thwarted the inclinations of his people, by declining to enter into an alliance with his nephew, who, at the time of his greatest extremity, made him a visit for that purpose; but he did not even vouchsafe the salutary aid, stipulated by existing treaties, which he was bound in honour to fulfil. In the predominant prejudices of the English nation, the prince of Orange found sentiments more consolatory and more favourable to his interests. His inveterate enmity to France, his sedulous application to business, his known zeal for the protestant religion, rendered him the favourite of the popular party in England. It afforded no small relief to those, who were filled with distressful apprehensions concerning the fate of religion and of government, to reflect, that the illustrious person, so nearly

nearly allied to the crown, was, by a sympathetic attachment, inclined, and by his wisdom and courage excellently qualified, to rescue them in the day of danger. On the other hand, a respect to the protestant religion, and the independence of his native country, as well as a fair attachment to his own patrimonial interest, recommended to the prince a diligent improvement of every opportunity, for cultivating the good opinion and affections of so powerful, and so respectable a body of the English nation. The cold treatment he received from his father-in law, whose superstitious zeal rendered him insensible to the claims of kindred, suggested to the prince the hazard he might run, if he trusted his views upon the succession, to propinquity of blood, or to the precarious influence of equity and law. During the internal commotions of Holland and England, in preceding periods, particular factions in both countries had often entered into reciprocal engagements of friendship and support. The pensioner De Wit, in the former war between Holland and England, made use of the services of the popular party there, to check and to counterpoise the malevolence of the court, towards the States<sup>s</sup>. Instructed by the success of his example, William could not deem it either impolitic or unlawful to correspond with the same party, for promoting the united interests of both countries. Would it have been prudent, to have overlooked or despised the voluntary advances of many respectable members of the legislature, of whose exertions he might one day avail himself, in compassing the object of a justifiable ambition, and in securing what he considered to be his lawful inheritance? Independent of all future views, or expectation of succession to the

<sup>s</sup> Secret History of Europe, vol. ii.

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 VIII. at that period, and the preservation of the dignity  
 and rights derived from his ancestors in Holland,  
 demanded not only the alliance, but the most vigorous interposition of the English nation. Disappointed of the support he expected from his royal relations, he necessarily had recourse to the plan of forming and of strengthening his connexions with that party, which stood in opposition to the measures of the court. The first public evidence of this connexion, and of his respect to the sentiments of the popular party in England, appeared, by the interference of the Spanish and Dutch ambassadors, in urging Charles to consent to the bill of exclusion; and by a memorial to the same purpose, in name of the States, drawn up by Fagel, the prince's confident and adviser<sup>6</sup>. It is not easy, without attending to the circumstances now recited, impartially to enter into the motives of the prince of Orange's conduct, without whose concurrence this memorial could never have been presented to the court of England. We cannot tell, how far he might find it indispensable to gratify the wishes of his friends both in England and Holland, in order to preserve the credit he had acquired with them; or how far he might be seriously affected with the prospect of danger to the protestant religion and the liberties of Europe, arising from the influence of a popish successor to the crown of England; and to what degree, according to these sentiments, public spirit and virtue might, with propriety, control delicacy and the dictates of natural affection. His first interference in the politics of England, from whatever principle it flowed, invited an unfavourable construction, as it seemed to deviate from the tenderness of filial affection,

<sup>6</sup> D'Avaux, 1681. Life of James, 1681.

and to indicate a premature snatching at power, to the injury of the person through whom he derived his claim to it. CHAP.  
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After the accession of James to the throne of England, fair professions of esteem were interchanged between the father and the son-in-law; but an almost uninterrupted series of altercation and mutual complaints demonstrated to attentive spectators, how far they were removed from cordial harmony, in affection or political schemes. As the inclinations of James were notoriously unfavourable to the views of his son-in-law, his zeal for the catholic religion, if successful, would certainly weaken the influence of that party, upon which the hopes of the latter depended, and entirely deprive him of the means of obtaining justice, in his claim to the succession. The protestants were daily declining in numbers and power, while the Roman catholics, and those who were ill-disposed towards Holland and the Prince of Orange, were increasing in dignity and influence. But not only the prospect of future elevation, but the preservation of the authority he already possessed, rendered him deeply interested in the success of that party in England, which thwarted the favourite measures of the court. The prerogatives of the Stadtholder, which he had with difficulty recovered, were preserved by a continued exertion of political address. The city of Amsterdam, instigated by the intrigues of Lewis, embraced every opportunity to circumscribe the power, and to affront the person of the prince. The reduction of the navy and army of the States, was the object of perpetual struggle<sup>7</sup>. The army of France had repeatedly over-run the principality of Orange,

<sup>7</sup> D'Avaux, vol. iv.

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the private property, of the prince; and, from the obvious plan of the policy of that court, it might be expected, that they would seize the first opportunity of rending and dividing the provinces of the States. The alliance of England was the object, to which the prince wishfully turned his eyes, as the only means of averting those impending encroachments, and of maintaining, undiminished, his own authority, and the dominion of the States. In such circumstances, a neutrality, with respect to the politics of England, was incompatible with his sagacity and patriotism. The growing discontents of England he now inspected with a vigilant and an anxious eye. Englishmen of rank, who, either from disgust or accident, resorted to Holland, were invited to his court, and entertained with the most condescending attention. Some of them, who were esteemed worthy of trust, were admitted into private conference with the prince. From their information, he was enabled to penetrate into the present state and temper of the English nation: and, through the channel of their correspondence, to communicate to their friends his disapprobation of the measures of the court, in order to confirm the attachment, and animate the resolutions of the popular party. He was at the same time cautious and reserved, lest he should alarm the jealousy of the court, by an open or a premature gratification of the wishes of his friends. When solicited to interpose, by a remonstrance against the erection of the ecclesiastical commission, he reflected that matters had not yet come to such an extremity, between the king and his people, as to justify to the world a public interference in the affairs of England; and that his preparations were not yet in a sufficient state of forwardness, to enable him to redress the grievances of his friends,



friends, or to secure any permanent establishment to himself<sup>1</sup>. No prudent expedient was, in the mean while, neglected, to hasten the crisis, when a separation between the interests of his friends, and those of James, might be declared with safety and effect. While the freedom of the press was restricted in England, by the jealousy of the court, publications issued from Holland, to diffuse among the people a sense of the arbitrary nature and the dangerous tendency of public measures. The imprudence of James at last afforded his son-in-law an opportunity of publicly interposing in the affairs of the nation, and of making an open avowal of his sentiments, upon an occasion the most favourable to the advancement of his interest. One Stewart was sent over to Holland, to solicit the prince to declare his consent to the repeal of the tests and the penal statutes. In order to allure him into a compliance with a measure fundamentally essential to James's scheme for establishing the Roman catholic religion, the marquis of Albeville, the English envoy at the Hague, was instructed to make the fairest declarations of friendship to him, in the name of his master; and, as a more irresistible bait, to hold out the prospect of a treaty of alliance against France<sup>2</sup>. But, although the name, and, still more, any real evidence, of the friendship of England, would have been highly beneficial to the prince, in enabling him to overawe the violent opposition,

<sup>1</sup> Burnet.

<sup>2</sup> This accounts for the fair professions of friendship which James made to William, and which so far alarmed D'Avaux, the French ambassador, that he expresses the greatest anxiety, lest a cordial union between James and the prince of Orange should actually take place. D'Avaux. vol. iii.

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opposition, which began to thwart all his schemes of domestic policy, and to shake the foundations of his authority, as stadtholder; yet he did not choose to sacrifice to these, his attachment to the protestant religion, and his credit with his friends in England. In answer to the earnest intreaties and arguments, used by the ambassadors of James, to obtain his consent to the repeal of the tests and penal statutes, the prince made a declaration of those sentiments, to which he ever afterwards adhered with consistency and firmness. He professed his approbation of universal toleration, and of the abolition of the penal statutes; but refused to consent to the removal of the tests, which he held to be the only barrier against the entire overthrow of the protestant religion in England. The most successful operations were at the same time carried on, in behalf of the interest of his master, by Dyckvelt, who was sent ambassador to London, for managing the ordinary business between the king and the States, but secretly invested with a trust of a more delicate nature. He was directed to sound the sentiments of the leading persons in England; to embrace every safe opportunity of communicating, in the name of his master, those private instructions which were calculated to gain upon their affections, and to procure a coalition of all parties. To the friends of the church he gave the strongest assurance of the prince's respect for

James earnestly wished to obtain the consent of his son-in-law to his scheme of toleration: perhaps too he wished to make the English believe that he had separated himself from France, because it was popular. The prince of Orange was at the same time sincerely desirous of being believed to be on good terms with the king of England, in order to overawe the city of Amsterdam, bent upon reducing the army, and abridging his power. D'Avaux, vol. iii. *passim*.

the

the established religion. To the dissenters he laid open the snares into which they had been decoyed by the favours and the flattering promises of the court. They were entreated to wait with patience for a scheme of comprehension; and if that could not be obtained, they were assured of a toleration, upon the most liberal plan. Some of the most learned and eloquent preachers among the protestant dissenters, who had withdrawn to Holland, from the dread of the king's resentment, now returned to England, at the desire of the prince, to co-operate with Dyckvelt, in preventing their being divided, by the intrigues of the court, from the rest of their protestant brethren<sup>10</sup>. After the departure of Dyckvelt, count Zulestein was sent over, ostensibly for the purpose of carrying compliments of condolence to the queen, upon the death of her mother the duchess of Modena; but, in fact, to prosecute the business already begun by Dyckvelt. The success of these negotiations was fully answerable to the expectations of William. The marquis of Halifax, the earls of Shrewsbury, Devonshire, Danby, Nottingham, lords Mordaunt and Lumley, admirals Herbert and Russel, held daily consultations in private with the Dutch ambassadors, and through them imparted their views and advice to the prince of Orange. Lord Mordaunt was commissioned by this party to wait upon the prince in Holland, and to enter into a full discussion of his views with respect to the affairs of England<sup>11</sup>.

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While

<sup>10</sup> Burnet.

<sup>11</sup> "In consequence of the negotiation of Dyckvelt and Zulestein, a correspondence was opened between the prince of Orange and some of the principal nobility in England. The letters

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While these negotiations were secretly carried on by the Dutch ambassadors, copies of the prince's letter, in answer to the king's repeated solicitations for his consent to the repeal of the tests, were circulated through all the counties of England. A declaration, which left the sentiments of the next heir to the crown no longer doubtful, and which expressed the strongest assurances of protection to the established church, and of toleration to every sect, had a remarkable effect in multiplying the number, and strengthening the confidence, of the prince's friends. As there now appeared the most pressing necessity for having recourse to foreign aid, in order to rescue the nation from domestic oppression, the authenticated views of the prince, so moderate and so salutary, were listened to with general approbation, and the hearts of all parties prepared to entertain him with a cordial reception, as soon as the critical moment should arrive of his standing forth the avowed deliverer of the nation. To be fully prepared for this event, under the pretext of guarding against the encroaching power of France, he applied to the States for supplies necessary to recruit the army, and to augment the fleet; and the assistance he received was applied with expedition, judgment, and as much secre-

letters of this correspondence form a part of Sir John Dalrymple's collections, Ap. part 1st, p. 186, &c.

Most of these letters refer to declarations made to Dyckvelt and Zulestein when in England, or to what they were commissioned to say to the prince in Holland; all of them contain high professions of respect to him. Some of the writers reserve their loyalty to James; and even insinuate, that the best method of shewing it, was by promoting the prince's design. None of the letters are specific as to any plan of national deliverance. The letters of Halifax and Nottingham are very cautiously worded, and rather suggest deliberation and delay.

ry as the nature of the business would admit. CHAP. VIII.  
 Neither did he reply for the success of this important event upon the internal state and dispositions of the people of England, or the military force he was able to carry along with him from Holland. He availed himself of every circumstance, he improved every opportunity and argument calculated to make any impression upon the surrounding powers of Europe, and to render them propitious to his enterprise. By displaying, with sagacious penetration, the most alarming views of the ambition of Louis, he interested not only the protestant, but the popish princes of Europe in his cause; and, with wonderful address, persuaded them to forget religious predilections and ancient feuds, while they united their counsels and exertions to accomplish the depression of France, the deliverance of England, and his own elevation <sup>12</sup>.

4. As the interests of the prince of Orange coincided with those of the protestants in England, so various circumstances in the state of Europe, encouraged and seconded the views of both, and co-operated towards the accomplishment of the revolution. Political state of Europe.

James the Second of England was almost the only prince in Europe who was not, either from private pique, or from a jealousy of his exorbitant ambition, actuated by resentment against Louis the Fourteenth, who, at that period, sat upon the throne of France. The revocation of the edict of Nantz, followed by the most violent persecution of the Huguenots, rendered his name detestable to all the protestant princes in Germany <sup>13</sup>. A private contest with Innocent

<sup>12</sup> Montinly Mercury.

<sup>13</sup> Testament Politique du Colbert.

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 VIII. effaced the merit of his sanguinary zeal, and even  
 drew down upon him the implacable resentment  
 of the holy father. According to ancient custom, the ambassadors of catholic princes, residing at Rome, enjoyed an exemption from the jurisdiction of that court, and various immunities connected with that privilege, which were called the *franchises*. By imperceptible degrees, these were extended, not only to the servants and household of the ambassador, but to every other person received under his protection, and were at last found to encroach far upon the dignity and domestic authority of the papal court. Bent upon his own personal grandeur, more than upon the extension of his power over distant kingdoms, Innocent the Eleventh most anxiously solicited the catholic princes to resign a privilege which tended to the disparagement of his honour, and the limitation of his immediate jurisdiction. The house of Austria set that example of obsequiousness, which was followed by other catholic princes in Europe. The king of France alone, with inflexible obstinacy, contended for the maintenance of all those honours which, by long prescription, were claimed by his ambassadors. The solicitations of the English ambassador were interposed in behalf of France, and, instead of softening Innocent, involved James in a participation of the guilt and the odium of his ally<sup>14</sup>.

The house of Austria had still a more serious ground of quarrel with France, and possessed greater power to prosecute her resentment. While her whole exertions were directed against

<sup>14</sup> Histoire de Gouvernement de France, tom. iii. 1687.

her natural enemies, the Turks, and the revolted subjects of Hungary, who had joined them, the king of France seized the opportunity of violating the truce agreed upon between him and the emperor, and began, without any shadow of claim, to erect forts on the borders of Germany. The emperor having gained some important advantages over the Turks, and recovered some of the strongest fortresses which had been long in their possession, now began to turn his eyes upon the encroachments of France, and was prepared eagerly to listen to any scheme of curbing that exorbitant ambition, by which she was of late become formidable to Europe <sup>15</sup>.

The repeated insults with which the haughty monarch had treated Holland and Spain, and the late violation of the treaty of Nimeguen, filled them with resentment and fearful forebodings of his future encroachments <sup>16</sup>.

The dispositions and the interests of these various powers suggested to William a plan of confederacy against France, to the accomplishment of which he devoted the unremitting exertion of all his faculties. By his unparalleled address in negotiation, the Empire, Spain, Saxony, Holland, and the circles of the Upper Rhine, were all induced to enter into the famous league of Augsburgh <sup>17</sup>. The articles of that league would lead to the discussion of foreign politics, a subject too extensive and complicated to enter into this work. Let it suffice to observe, that the terror of France was the principle of this league, and her humiliation the object it was in-

<sup>15</sup> Tindal's Introduction.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

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tended to accomplish. The assistance and concurrence of England were perceived by all the confederating powers, to be essential to its stability and success. But what hope could they reasonably have of obtaining this, while a prince sat upon the throne of England, who was partial to the interests of France; and, by a tyrannical usurpation, overruled the inclination of his people and his parliament? Here then was presented to William, the most favourable opportunity of making an attempt upon England, not only without any hazard of opposition from abroad, but with the hearty consent and good wishes of those very powers, who, upon any other occasion, would have been led by their religious prejudices to thwart his elevation. Should he succeed, either by assuming the government of England into his own hands, or by putting it into the hands of the parliament, the object of the league would be obtained. At the same time, great pains were taken to allure the pope, if not to become immediately accessory to the league, yet to look with a favourable eye upon the confederating powers. It is not difficult to persuade men to apprehend the coincidence of the public good with their own private interests and affections. It was suggested to Innocent, that, by a revolution in England, he might expect, not only to obtain the gratification of private resentment, but the advancement of the catholic interest in that kingdom. A toleration, which was agreeable to the avowed principles of William, would secure their personal safety, and the undisturbed exercise of their religion, to all the disinterested and sincere friends of the Roman church; whereas the violence and the precipitancy of James might one day rouse the fury of the nation, and terminate in the final extirpation of those whom  
he



he wished to cherish. By these representations, and the address of the prince of Orange at this time, was produced one of the most singular phenomena that ever occurred in the history of politics. An opposition was formed between the church and the court of Rome. The pope was made an instrument of avenging superstitious zeal, and of saving the protestant religion in England, by contributing his aid to dethrone a prince, who, if it had not been for his bigotted attachment to the interest of the Roman church, might have enjoyed a peaceable and happy reign.<sup>18</sup>

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5. The combination of foreign princes of opposite prejudices and interests, however singular an event, would not have been sufficient to have raised William to the throne of England, if he had not, at the same time, been fortunate in uniting the States of Holland, by a cordial submission to his authority, and by the adoption of his political schemes. From the commencement of the government of the United States after their separation from Spain, a powerful faction,

Union  
among the  
States of  
Holland.

<sup>18</sup> From the late publications of Sir John Dalrymple, it is now evident, that the pope was privy to the designs of William and the league. The French ambassador extraordinary, cardinal D'Estrees, in a letter to Lewis XIV. (18th Sept. 1687,) informs him, that he had been for some time suspicious of a person who resorted every day in disguise to count Cassoni, the pope's secretary. That this person was at last apprehended in the dress of a porter as he came out from the vatican at midnight, and was discovered to be a Dutch burgo-master of the name of Ouir; that, among other letters in his possession, there was found one from the pope's secretary to the duke of Lorrain, expressing the particular joy his holiness received upon being informed, that his imperial majesty had persuaded almost all the European princes to unite in a league against the king of France. Dalrymple, Ap. part i. p. 240—6.

spread

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 VIII. selves in opposition to the authority of the stadtholder, as incompatible with the spirit of their constitution. By the influence of this faction, Oliver Cromwell had obtained an article in the peace with Holland, abolishing for ever that office. By early management and address, the first fruits of a genius for enterprise and negotiation, which afterwards astonished Europe and saved the independence of so many kingdoms, the prince of Orange raised and animated the popular party in Holland; and by their means resumed the honours and the prerogatives of his house. These, however, after he had recovered them, were retained with difficulty, and exposed to danger, by the unremitting opposition of the city of Amsterdam, assisted by discontented persons of distinguished influence in the provinces. Instigated by the invidious intrigues of France, they had lately formed a scheme of withholding the supplies, and reducing the army; which exceedingly embarrassed the counsels and cramped the power of William. The ill-judged policy of France first weakened her influence among the disaffected party in the States, by imposing certain duties and restrictions upon some of the most profitable articles of their commerce, in spite of the most earnest remonstrances of the city of Amsterdam, and the secret advice of D'Avaux, the French ambassador. The revocation of the edict of Nantz widened the breach between Lewis and the Louvestein faction, and promoted a reconciliation and an union of all parties in the provinces<sup>19</sup>. The Huguenots, who fled to them for re-

<sup>19</sup> D'Avaux.

fuge, by describing in pathetic strains their own sufferings, and the sufferings of those they had left behind them, at once awakened the compassion, and roused the indignation, of all the protestants in Holland. The jealousy of their domestic privileges was extinguished by a generous sympathy, with the oppression of their fellow-christians. The prince of Orange, whom the disaffected in Holland had hitherto beheld with an eye of suspicion, they now regarded as the only instrument, under providence, to avenge the cause of humanity and conscience; and cordially concurred with their fellow-subjects, in granting the supplies, and raising the troops necessary for that purpose. The protestant refugees were of use to William, not only by reconciling the affections of all the States to him, and to one another, but by great personal services. The fortunes which they imported, facilitated the loans for the raising of troops, and the other preparations necessary for his expedition. Many French protestants, of all ranks, entered into the army and fleet destined for England. Among these were some of the bravest soldiers and most experienced generals, who, to all their other qualifications, added a fervent zeal for religion and liberty; and were well-pleased to hazard their lives in defence of a cause, for which they had already suffered exile.

The death of the elector of Cologne, and the forward part Lewis had taken in the choice of a successor subservient to his ambition, threatened the surrounding powers on the continent with the near approach of a war; and covered the real design with which William was now carrying on the most extensive military preparations. He formed a camp, augmented his army, and drew his troops out of the garrison in Flanders. Under

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various pretences, and with the most astonishing expedition, he fitted out all the ships of war belonging to the States, and brought them to the most convenient harbours. He quickly found himself at the head of a warlike force, sufficient to engage the confidence of his friends, so soon as he should find it prudent to make an open declaration of his purpose, either to curb or to annihilate the arbitrary power of his father-in-law <sup>20</sup>.

6. Ill fortune and imprudent measures on the part of James, concurred with all the causes which have been recited, to hasten and to facilitate the subversion of his government, and the utter ruin of his affairs.

The birth of a son, instead of strengthening his prerogative, in various respects contributed

<sup>20</sup> Hist. de Louis le Grand, par Bussy Rabutin.

Lewis XIV., in order to secure to his interest the electorate of Cologne, had prevailed upon the late elector, declining in his health, to desire a co-adjutor, and by his intrigues obtained the election of cardinal Furstemberg, upon whom he had bestowed the bishoprick of Strasburgh. The pope refused his bull, and the emperor his investiture, which were necessary to ratify the election.

Upon the death of the elector, a new election was found to be necessary. To support the claim of Furstemberg, the troops of France were ordered to march to the frontiers, and her agents were sent to Cologne, to distribute money among the priests and the canons, who had a vote in the election.

The emperor proposed as a candidate, prince Clement, brother of the elector of Bavaria. He was supported by his brother the elector, by Holland, and the pope, who gave Clement a dispensation, on account of his being under age. Though the cardinal was elected by a majority, the emperor and the pope still refused their consent. Upon this, France sent troops into Cologne, which took the oaths of allegiance to the cardinal, and tilted the garrisons according to his orders. France began at the same time to make warlike preparations at home; to discontinue the works in which the troops were employed in the country; and to give commissions for new levies. *Memoires de la Cour de France, par la Comtesse de la Fayette*, vol. ii. p. 4 and 49. 22.

to increase the inclination and the power of his subjects to resist it. It emboldened the Roman catholics to pursue more open and violent measures ; it roused the fears, and provoked the immediate and vigorous resistance of his protestant subjects. The prospect of a protestant heir, so long as it was held out to them, reminded the Roman catholics of an approaching day of reckoning, and rendered them more cautious and moderate, lest they should lay a foundation of future resentments against themselves. The protestants drew great consolation from the hope of an event which seemed to set bounds to the reign of superstition and tyranny ; and some of them, extravagantly loyal, would have been willing to endure many hardships, provided they were not to descend to their posterity. The birth of a son, who would infallibly be trained in the enthusiastic and tyrannical principles of his father, rendered the situation of Englishmen irretrievably desperate, if they did not make a bold effort for their deliverance while they yet had it in their power. The number and strength of the friends of arbitrary power must increase every day. Delay was ruin.

Though to a person who, at this distance of time, fairly balances evidence, there may appear little reason to doubt of the legitimacy of the birth of the prince of Wales ; yet some mysterious circumstances attending that event, easily imposed upon the credulity of party ; and, to all the other crimes of James against his subjects, added the ground of a charge the most heavy that could lie against his character, either as a man, or as a prince.

If the king was unfortunate in that combination of circumstances which united so many of the powers of Europe in opposition to his inter-

CHAP. **rests,**  
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he was no less so in the weakness and violence, or the duplicity and perfidy, of the counsellors in whom he principally confided, and who dissuaded him from availing himself of the only assistance which remained to him in the extremity of his affairs. Lewis the Fourteenth had instructed his ambassador at the Hague to demand a positive answer of the States, with respect to the destination of the army and fleet which were getting ready with such expedition; and, as a reason for this inquiry, added the strongest expressions of friendship towards James, in whose safety he professed himself deeply interested. The States either pretended, or actually believed, from this interposition, that a secret treaty had been transacted between James and Lewis. By the advice of Sunderland, James was persuaded not only to decline, but resent, the good offices of the king of France. He refused to accept the

“ The treachery of Sunderland (more perhaps than any other cause) contributed to the ruin of James. By adopting his prejudices, by affecting a conviction of the propriety of his measures, and a zeal for carrying them into execution, he imposed not only upon James, but on the French ambassador, Barillon. See a remarkable instance of this, Dalrymple, Ap. part i. p. 175.

When Sunderland perceived the unpopularity of the king's conduct, and the fatal issue in which it was likely to terminate, he turned his eyes towards Holland, and by means of Sydney, his wife's uncle, endeavoured to open a correspondence with the prince of Orange. His wife, in the name of her husband, makes a declaration of his attachment, and a tender of his services, to the prince of Orange in terms the most abject. Dalrymple, part i. p. 187. D'Avaux, vol. iv. 13th and 20th May, 1688.

As if it had been to avert the suspicion of his master, which, from the consciousness of guilt, he had reason to dread, he professed to be converted to the Roman catholic religion. Dalrymple, part i. p. 287-8.

He

the assistance of a fleet and an army proffered to him by Lewis. He instructed his ambassador at the court of France, to complain of that imprudent officiousness which had staggered the confidence of his own subjects.

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### A storm,

He continued to encourage James in the most violent measures, while he conferred with Dykevelt. Dalrymple, Ap. part i. p. 191.

Meanwhile, he still so effectually imposed on Barillon, as well as James, that, upon the recommendation of the former, Lewis ordered him a pension for his services to France. Ibid. p. 267.

But the most notorious instance of his duplicity occurs in his conduct at the time when James proposed to recall the troops from Holland. He had assured Barillon of his approving of that measure, and of promoting it by his influence with the king. Some time after, the order for recalling these troops was suspended. Skelton, the ambassador at the court of France, suspected, that the suspension of the recall was owing to the advice of Sunderland, who began to fall under the suspicion of holding a correspondence with the prince of Orange. Barillon is charged to inquire into this affair; and, particularly, whether Sunderland had advised the suspension of the recall. But with such artifice did Sunderland acquit himself, that, in a conversation with the ambassador upon the subject, he persuaded him, that the obstructions to this measure proceeded from its being disagreeable, not only to the protestants, but to the catholics: That he himself, by his firmness in adhering to it, exposed his own interest and safety to the greatest hazard: That all this proceeded from a vehement attachment to the French interest; and therefore suggests the justice of his claim to an additional pension from the king of France. Dalrymple, Ap. part i. p. 267. 273. 277-9, 285.

Sunderland dissuaded James from accepting the assistance offered him by France, after it became certain that the prince of Orange meditated an expedition into England. Ibid. 282-3-6. D'Avaux vol. iv. Sept. 18th, 1685. Life of James, passim.

Sunderland had obtained orders to all the ambassadors in foreign states, to communicate any news of importance to none but him; a circumstance which at once shews his influence with James, and his capacity of hurting him. Dalrymple, Ap. part i. p. 281.

The

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## VIII.

A storm, which dispersed and turned back the Dutch fleet, after their first setting sail for the coast of England, construed as a signal interposition of heaven, immediately occasioned a change in the moderate and conciliating measures which had lately been adopted by the king, and utterly destroyed all confidence in the promises which he afterwards made when driven to extremity. The imprudence of James was no less conspicuous than his bad fortune. His concessions were made with a reserve which fomented the distrust of his friends. He promised to call a parliament, but alleged as a reason for delaying it, the confusion and the disturbances which prevailed while the prince of Orange and his army were in England; though it was evident, that, if he extricated the nation from them by military exertions, he must find himself in a situation more than ever superior to the power of parliament. The suspension of the bishops was taken off; the ecclesiastical commission dissolved; the charters of corporations restored in their ancient form. But the king still expressed himself in terms of such reserve and hesitation with respect to the indulgence of the Roman catholics, itself the most offensive measure, as well as the source of all the other offensive measures which he pursued, that there seemed no ground to rely upon his promises, or to hope for a lasting reformation of government.

The unchangeable tenor of the king's conduct exhibited a palpable contradiction to the promises he made, and to the resolutions he professed.

The letters of Sunderland to king William after the revolution fully confirm his treachery: In them he pleads the merit of his past services. Dalrymple, Ap. part ii. p. 1, 2 From these letters it appears, that William, disgusted with Sunderland's crooked ways, hesitated about consenting to his return to England,



One Hale, a clergyman, considerable only by the odium he had incurred for reading the declaration of indulgence, was now promoted to the dignity and the lucrative emoluments of the see of Oxford. The prince of Wales was baptised according to the form of the Roman catholic church, and the pope, represented by his nuncio, stood as godfather.

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Disgusted at the insincerity and infatuation of the king, and entirely excluded from his confidence, many of those who had hitherto faithfully adhered to his person, found themselves compelled to encourage the interference of the prince of Orange, as far as it was necessary, to repair the breaches of the constitution, though nothing was farther from their intention than to raise him to the throne. The fluctuation, timidity, and weakness of the king, when his affairs became more desperate, suppressed, in a great measure, that pity which follows dignity associated with misfortune. The precipitate desertion of his dominions struck his friends with astonishment and confusion, fulfilled the wishes of his enemies, and accomplished, without the effusion of blood, the most important revolution that occurs in the annals of England.

The prince of Orange landed at Torbay on the fifth of November one thousand six hundred and eighty-eight. Before he left Holland he published a declaration, representing the grievances of the English nation under the government of James. That all ordinary remedies having been ineffectual to obtain redress, he had thought fit to go over to England, with such a force as was sufficient to defend him from the violence of evil counsellors, and that the design of his expedition was to obtain a free and lawful parliament. He disclaimed all intention of conquest; and said, that

The declaration of the prince of Orange. October 10, 1688.

CHAP. that he had no other design, than to procure a  
 VIII. settlement of the religion and liberties of the  
 subject, upon so sure a foundation, that there might be no danger of the nation relapsing into the like miseries hereafter <sup>22</sup>.

Two questions naturally occur with respect to this declaration, and the solution of them materially affects the character of the prince of Orange.

1. How far is it consistent with truth, or does it contain a fair representation of facts? 2. Was the conduct of the prince of Orange, in accepting the crown, consistent with the promises and engagements of his declaration?

It does not appear that any of the facts with respect to the grievances which are enumerated in the prince's declaration, are misrepresented, or exaggerated. In one instance only, the declaration of the prince may seem liable to the charge of falsehood and calumny; namely, in what respects the supposititious birth of the prince of Wales. Whether William really believed this, whether, from a misrepresentation of circumstances communicated to him by his correspondents in England, and the influence of ambition which insensibly warps the mind, he did not suspect that an imposture was intended by his father-in-law, we cannot pretend to determine. The guilt alleged was of so base and atrocious a nature, that he ought not to have set his hand to it, without an accurate examination of the evidence, and a full conviction of its being well founded.

It is certain, that the bigotry of James excited strong suspicions in his protestant subjects, and in the princess Anne, that he intended to

<sup>22</sup> Journ. Commons, vol. x.

impose a supposititious child, to prevent the suc-  
 cession of his protestant heirs <sup>23</sup>. To any per-  
 son who now examines the evidence of this sus-  
 picion, it will not appear to have been at any  
 time sufficient to have induced the conviction of  
 an unprejudiced mind. It affords a strong pre-  
 sumption, that William viewed it in the same  
 light, as he never admitted or encouraged any  
 inquiry with respect to the birth of the prince of  
 Wales, which, if it had been rendered even  
 doubtful, must have fortified his title to the  
 throne. The strong attachment of the nation to  
 hereditary right, and the indispensable necessity  
 of his assuming the crown, will be considered as  
 apologies for the conduct of William in this in-  
 stance, by those who admit, that the obligations  
 to candour and probity may be dispensed with in  
 any case whatever. It must be matter of regret  
 to every fair mind, to find so few examples in  
 history, of prejudices, however weak or pernici-  
 ous, having been removed by pure force of ar-  
 gument; and that hardly one instance occurs, of  
 any signal revolution in government having been  
 accomplished, without working upon the resent-  
 ments of the people, by heightening the abuses  
 and crimes of those who fill the seats of authority,  
 and who have an interest in opposing innovations,  
 however salutary.

There is no difficulty in vindicating the con-  
 sistency and honour of William, from any im-  
 peachment of them, for his ascending the throne,  
 as if it had been contrary to the words of his  
 declaration, and the promises he made to some

<sup>23</sup> It was suspected, from the pains which James took to  
 pack the parliament in Scotland, that he had formed a plan to  
 obtain authority for settling the succession of the crown upon  
 any person he should think fit to name, on purpose to secure the  
 Roman catholic religion. Life of Carstares, p. 28.

**CHAP.** of the confederate princes <sup>24</sup>. He certainly  
**VIII.** undertook his expedition into England with the  
 hope that it might terminate in his elevation to  
 the throne. He disclaimed any design of conquest: In this there can be no doubt of his sincerity; but he certainly did not mean, nor wish it to be understood, that he would refuse the crown of England if tendered to him, after deliberation, by the representatives of the people. He even made use of expressions which might be obviously interpreted to bear that sense, or to imply his readiness to accept of it. He said, he had no other design in his undertaking, but to procure a settlement of the religion, liberties, and properties of the subject, upon so sure a foundation, that there could be no danger of the nation relapsing into the like miseries hereafter. His elevation to the throne, however, was still a matter of contingency: It was to depend upon the conjuncture of circumstances. To the commissioners sent by James, to treat with him about the settlement of the nation, he made proposals, which, though they may appear arrogant, were, in the critical situation of affairs at that time, indispensably necessary to procure that end <sup>25</sup>. If James had

<sup>24</sup> The prince of Orange, in a letter to the emperor, before his expedition into England, assures him, that he had no intention to make an attempt upon the crown, or to desire to appropriate it to himself. Dalrymple, Ap. p. 254.

The same arguments which vindicate the consistency of William's after-conduct with his declaration, remove any charge of duplicity inferred from this letter. We cannot doubt but that he wished, and particularly his personal friends earnestly wished, that the course of affairs might bring the crown within his offer. See Letter of the elector of Brandenburg to King William, 27th Feb. 1689. Ibid.; also Clarendon's Diary, Dec. 1688; Jan. 1689.

<sup>25</sup> The most exceptionable articles in the proposals made by the prince, are the 4th and 6th, by which he seemed to put himself

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had accepted them, there can be little doubt but that he would have kept his crown. Confounded, when he heard of the association of so many persons of the first rank under the prince of Orange, and of the desertion of his own family; distrustful of his army, and still inflexibly attached to the interest of the Roman catholic religion, he chose rather to throw himself into the arms of France; and left his people in such a situation, as hardly reserved any other alternative, by which the purpose of the prince's declaration could be obtained, than putting the crown upon his head.

himself in every respect upon a footing with the king; namely, that if his majesty should think fit to be in London during the sitting of the parliament, he (the prince) might be there also, with an equal number of his guards; and that a sufficient part of the public revenue should be assigned him, for the support and maintenance of his troops, till the sitting of a free parliament. It is evident, however, that nothing short of a compliance with these demands could insure the purpose of his expedition.

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## C H A P. IX.

*Effects of the Departure of James.—The Peers in London address the Prince to assume the Administration of Government.---He waits for some Testimony of the Approbation of the Commons.—Summons the Members who had served in Parliament during the Reign of Charles II.---The meet.—Addresses him to call a Convention.—He complies with their Desire.—Conduct of the Prince previous to the Meeting of the Convention.—His acts of Government.---Elections.—The Convention meets—Addresses the Prince.—A Letter from King James rejected.—General View of the Commons concerning the State of the Nation.—Debates of the Commons concerning the settling of the Government.—Final Resolution.—Debates in the House of Lords concerning the settling of the Government.—Resolutions and Vote.—The Question concerning the original Contract.—Resolutions and Vote.—The Commons avoid any partial Measures for settling the Government.—The Lords propose Amendments upon the Resolutions of the Commons.—Observations.---Conference between the two Houses.---Causes which constrained the Lords to concur with the Commons.---Discontents and Tumults of the People.---Declaration of the Prince of Orange---of the Princess of Orange---of the Princess Anne. --Effects of them.---The Lords concur with the Votes of the Commons --and settle the Crown on William and Mary.---Bill of Rights.---Alteration of the Oaths.---Effects of the Revolution with respect to the Constitution.*

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1688.  
Effects of  
the departure  
of  
James.

THE departure of James produced a sudden alteration in the views and the hopes of every party. The affection and confidence of his friends were staggered by a desertion, for which they were not prepared. All their plans, for accomplishing a reconciliation between the king and his offended subjects, were entirely disconcerted.

certes

certed, and the hopes of settled government removed to a great distance. In proportion to the depression and embarrassment of the adherents of James, the spirits of the prince of Orange and his friends were elated, and their prospects became more flattering and extensive <sup>1</sup>.

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The peers, who were in London, met at Westminster on the twenty-fifth of December, and, after signing the association drawn up at Exeter, unanimously addressed the prince of Orange, to assume the administration of government, and to write circular letters to all the different bodies of electors, requesting them to chuse representatives, to meet at Westminster on the twenty-second of January one thousand six hundred and eighty-nine, in order to deliberate concerning the final settlement of the nation <sup>2</sup>. This address was not more acceptable to the prince, than other resolutions of the lords, which removed the principal obstructions to such a plan of settling the nation, as he might naturally be supposed to desire. They unanimously refused to receive a letter left by king James, containing an apology for his departure out of the kingdom, and declined making any inquiry into the evidence of the birth of the prince of Wales <sup>3</sup>. By these resolutions, they opened a plain and direct path to that important conclusion, upon which the revolution was founded, namely, that

<sup>1</sup> Clarendon's Diary, December.

<sup>2</sup> The number of peers who met at Westminster appears to have been about seventy; they increased afterwards, in the course of these previous deliberations, to ninety. The duke of Somerset, the earls of Pembroke and Nottingham, lord Whar-ton, and all the bishops, except Compton of London, refused to sign the association. The lords issued an order by their own authority, for all papists to depart from London and Westminster.

<sup>3</sup> Clarendon's Diary, December.

there

**CHAP.** there was a demise of the crown, or abdication  
**IX.** of the government. Some of the lords precipi-  
 1688. tately moved, that the crown was vacant; and  
 that the princess of Orange should be declared  
 queen; but the opposition which this motion  
 received, both from the friends of her husband,  
 and from the few who were still attached to the  
 interest of king James, prevented that celerity of  
 decision, which could hardly have laid the founda-  
 tion of a quiet and permanent settlement <sup>4</sup>.

He waits  
 for some  
 testimony  
 of the ap-  
 probation  
 of the  
 commons.

23d Dec.  
 Summons  
 the mem-  
 bers who  
 had serv-  
 ed in par-  
 liament  
 during the  
 reign of  
 Charles  
 II.

The prince, attentive to the forms of the con-  
 stitution, as far as it was possible to observe them,  
 during the present cessation of executive autho-  
 rity, deferred his acceptance of the government.  
 till he afforded the commons an opportunity of  
 expressing their concurrence with the address of  
 the lords. He called together all those persons  
 who had served in any of the parliaments of  
 Charles II., and the lord mayor and aldermen of  
 the city of London, requesting their advice upon  
 the present state of the nation. The restricting  
 his invitation to the members, who had sat in par-  
 liament during the reign of Charles, was differ-  
 ently interpreted, according to the influence of  
 political prejudices and connexions. By some  
 it was censured, as equally partial and impolitic:  
 by others it was considered, as a becoming testi-  
 mony of that respect which the prince enter-  
 tained for the purity of the constitution <sup>5</sup>. The  
 members of the parliament of James, it was as-  
 serted, could not be considered as representatives  
 of the people, because they had been elected,  
 under illegal and arbitrary alterations upon the  
 charters of the boroughs. Their personal conduct  
 also appeared blameable, because they had ex-

<sup>4</sup> Clarendon's Diary, December.

<sup>5</sup> Ralph, vol. ii. p. 5.



ceeded in their concessions to prerogative at the commencement of his reign; though some atonement they certainly had made to their constituents, by that firm resistance to the dispensing power, which proved the cause of their dissolution.

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Agreeably to the desire of the prince; about three hundred members of the commons<sup>6</sup>, the lord mayor, and the aldermen of the city of London, met at Westminster upon the day appointed, when the prince addressed them in a short speech, and entreated their advice with respect to the best method of pursuing the ends of his declaration; namely, to obtain a free parliament; to secure the protestant religion; and the ancient laws and constitution of the kingdom.

They meet.

26th Dec.

The members of the commons unanimously adopted the resolutions of the lords. They thanked the prince for having exposed his person in preservation of their religion; they signed the association of adherence to him, and prayed him to summon a convention to meet on the twenty-second of January one thousand six hundred and eighty-nine<sup>7</sup>.

Address him to call a convention.

The prince, in compliance with the address of the lords, and of the representatives of the commons, issued circular letters for the meeting of the convention, and assumed the direction of the government, as far as was necessary for the purposes recommended to him.

He complies with their desire.

During the interval between the summons and the meeting of the convention, many of the nobility and principal gentlemen attended the levee of the prince of Orange. He received them with civility, but with reserve; and, by avoid-

Conduct of the prince previous to the meeting of the convention.

<sup>6</sup> Reresby, p. 303.

<sup>7</sup> Journ. Commons, 26th December.

CHAP. ing the appearance of predilection for any party.  
 IX. he gave no occasion for offence or jealousy, which  
 1688. might have marred that unanimity, upon which  
 the happy settlement of the nation depended \*. Some of the bishops and Tories expressed their dissatisfaction, upon account of that attention and respect; which the prince shewed to the protestant dissenters. It does not appear, however, that, in this instance, he did any thing more than what was required by the dictates of prudence, and the common rules of politeness †. He was justly applauded for his caution in declining to enter into conversation upon any specific plan for settling the government; though some persons, who were intrusted with the management of his business, seemed anxious to discover the opinions and inclinations, of the English nobility, who daily resorted to him under the pretext of compliment, or business ‡. It is somewhat remarkable, that particular expressions and arguments, which were afterwards censured as new and unconstitutional, in the course of debates in the convention parliament, were first introduced in these private conferences, by some of the most zealous friends of the prince of Orange §.

Mr. Bentinck and Mr. Sydney were the persons who privately possessed the confidence of the prince. The former had merited his early favour by singular evidences of attachment to his person, and acquired his esteem by tried faithfulness and capacity in business ¶. The latter had long resided

\* Echard, vol. iii.

† Letter to the Convention.

‡ Buckingham's Works, vol. ii.

§ Clarendon's Diary, January.

¶ Mr. Bentinck attended the prince of Orange, during his illness in the small-pox, for the space of sixteen days and nights, administered

ded in Holland, had been privy to the correspondence between the prince and his friends, and advised him in every step he had taken, for interposing publicly in the affairs of England. The marquis of Halifax, the earls of Shrewsbury, Nottingham, Danby, Lords Mordaunt, Delamere, admiral Herbert, and Mr. Russel, were all distinguished by particular marks of the prince's attention.

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The few acts of government, exercised by him, previous to the meeting of the convention, had a provident respect to his own future success, as well as to the safety of the nation. He published a declaration, giving authority to all sheriffs, justices of peace, and other officers who were not papists, and who had received their commissions before the first of December, to continue in office. He sent orders to the city, to suspend the oaths, usually administered to the members, when elected into the common council. A few regiments, under the command of officers secretly attached to James, were disbanded; and, that the army might sustain no material diminution, the private men were incorporated into standing regiments of unsuspected fidelity to the prince. To discharge the arrears of the army, and to remove every cause of discontent, the sum of two hundred thousand pounds was borrowed from an as-

administered to him all his medicines and food, and never moved from his bed. Immediately after the prince's recovery, he fell sick of the same distemper, and was in the greatest danger. As soon as he recovered, he attended his master to the field of battle, and was always near his person. He was sent to Brandesburg to communicate to the elector, the prince's intended expedition to England, and was principally trusted with directing the preparations for it. Life of William, vol. i. p. 65.

<sup>13</sup> Burnet.

CHAP. fociation of citizens. The alacrity and readiness

IX.

1689.

8th Janu-

ary.

16th Jan.

5th Jan.

with which it was granted, yielded the prince a pleasing earnest of the good wishes and friendly assistance of the metropolis. Many of the sailors having deserted upon account of the irregular payment of their wages, a proclamation was published, tendering a free pardon and payment of arrears, to such as returned to the service of their country. To remove every appearance of undue influence upon electors, all the regiments were commanded to march from the counties and towns where elections were to be held. An order was published to control the licentiousness of the press, and to prevent all publications containing false and malicious representations of characters and measures, and tending to disturb the public peace<sup>14</sup>. By the variety and wildness of those projects of government which daily issued from the press, without falling under this prohibition, the minds of the people were now wound up to the highest pitch of curiosity and impatience, concerning the important event referred to the decision of the convention.

Election.

The elections of the members for the convention were carried on without disorder and violence. The remembrance of the grievances, which the nation had endured under James, was recent; the success of the prince of Orange, and a confidence in his virtues, had great influence upon many of the electors. Several of the counties and boroughs had fixed their choice immediately after the summons for a meeting of parliament by James, professedly called for the purpose of redressing grievances, and to that choice they now adhered<sup>15</sup>.

<sup>14</sup> Ralph, vol. ii. p. 20.

<sup>15</sup> Burnet.

The grand convention met at Westminster on the twenty-second of January one thousand six hundred and eighty-nine. In the house of lords, the marquis of Halifax and the earl of Danby were competitors for the office of speaker, and the former was preferred. In the lower house, Mr. Powle was unanimously chosen <sup>16</sup>. A letter was presented from the prince of Orange to both houses, in which he mentioned the endeavours he had used to promote the peace and safety of the nation; and recommended to them, to lay the foundation of a firm security for their religion, laws, and liberties. That no interruption might be given to an happy and lasting settlement, he represented the dangerous condition of the protestant interest, in Ireland, which required large and speedy succours. He recommended to their particular friendship and assistance, the States of Holland, by whom he had been enabled to undertake such an expensive and hazardous expedition, for the deliverance of England <sup>17</sup>.

Both houses presented an address of thanks to the prince, for the services he had rendered the nation; and prayed that he would assume the administration of affairs, and that he would take particular care of the present state of Ireland <sup>18</sup>.

A letter from king James was sent, by lord Preston, to both houses of parliament. The commons rejected it, unopened. The lords examined the messenger who received it from lord Melfort, but no notice was taken of it afterwards <sup>19</sup>.

<sup>16</sup> Journ. Lords and Commons, 22d Jan.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Journ. Lords, 4th Feb.

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1689.  
General  
view of  
the com-  
mons,  
concern-  
ing the  
state of  
the nation.

Upon the 28th of January, the lower house resolved itself into a committee, to take into consideration the state of the nation. From the opportunities, which had occurred, of discovering the private opinions of men of every party and station, concerning the various projects for settling the government, the members of the convention well understood, that the general tenor of national sentiments ran against innovations; while, at the same time, the restoration of James appeared, even to those who were attached to his family, to be in the highest degree alarming and dangerous. But though a great majority in the house of commons were disposed to set aside James, yet it was evident that this measure must have been attended with unsurmountable difficulties, if conducted with a rigid respect to the ordinary forms of law, or even with that deliberation which justice seemed to require, in common cases, relative to the property, or character, of individuals. If the convention could assume it, as a preliminary proposition, that the throne was already vacant, it would not only carry them forward to an advanced stage of the business, but cut off many objections and embarrassments, which must of necessity cramp the freedom of debate, and expose the settlement of the nation to great delay and hazard. It seems therefore to have been a resolution, tacitly adopted by the lower house, not to agitate any previous questions, which might lead to a discussion of the competency of their judicial power, in any case relative to the conduct of the king; but rather to proceed as if these had been already decided, and to employ their deliberations for re-establishing a government, which had ceased or expired, from the voluntary renunciation of the person to whom it had been intrusted<sup>o</sup>.

<sup>o</sup> See Speeches of Serjeant Maynard, Harboard, Treby. Grey's Debates, vol. ix. p. 12, &c.

Mr. Dolben, who opened the debate, proposed CHAP. to confine his views to the state of the nation, with- IX. out entering into the consideration of remedies for 639. the misfortunes in which it was involved. The Debates of proposition he assumed, as the ground of his argu- the com- ments, was, that a demise of government had mons con- happened. He maintained, agreeably to the fig- cerning the set- tling of the gov- ernment. derived, that not only the natural death of the person who was at the head of the government, but such a conduct as was productive of the same effects, or an interruption and discontinuance of its functions, ought, in strict propriety, to be interpreted a demise. By the departure of the king, who had carried off the great seal, the formal instrument of all legal proceedings, the several courts of justice had expired, and all public business was at a stand. The examples of former times, upon emergencies similar to what had now happened, removed the objection of novelty against the doctrine he maintained, and the resolution which he wished to found upon it. The resignation of the crown by Edward the second, though constrained by imprisonment and menaces; the flight of Edward the fourth, though necessary to his personal safety; were pronounced by the ablest lawyers to be a demise of the crown, and followed with all the effects, which a natural demise must have produced<sup>21</sup>.

It was argued by others, that the neglect of duty and the desertion of government, were terms, which conveyed too soft a representation of the misconduct of James. The man who neglects the duties of his office through indolence and dissipation, or relinquishes it through timidity, is equally incapable and unworthy of trust. But the man

<sup>21</sup> Grey's Debates, vol. ix.

CHAP. who betrays trust, and employs the powers and  
 IX. opportunities he enjoys, to subvert the very ends  
 1689. for which they were bestowed, has reached the  
 most consummate pitch of depravity. The mal-  
 administration and criminality of the late king,  
 justified the highest degree of public indignation  
 and legal resentment. The innumerable acts of  
 tyranny of which they had been witnesses, and un-  
 der which many of them had suffered, indicated not  
 only an incapacity for government, but a spirit,  
 repugnant to the constitution of England, and  
 bent upon its destruction. No prince had ever  
 maintained more extravagant ideas of monarchical  
 prerogatives, than James the first of England, yet  
 even he never presumed to exalt them above the  
 authority of law; but solemnly declared, in par-  
 liament, "that the moment a king breaks in upon  
 "the laws, he ceases to be a king"<sup>22</sup>. What,  
 but a confidence in the supremacy of the law, as  
 controlling the will, and binding the hands of the  
 prince himself, had defeated the obstinate, though,  
 as it now appeared, the wise struggles against the  
 order of succession, in the person of the present  
 prince? As often as the malignant spirit of popery  
 had been delineated, and the fatal event of this  
 day predicted, in the course of the debates on the  
 bill of exclusion, as often it had been replied,  
 "that the king of England was only the minister,  
 "and not the master, of the laws; and that the  
 "administration of government could be vested  
 "in protestants alone, and managed only for the  
 "interest of the protestant religion"<sup>23</sup>. The re-  
 moval of the king to France, discovered a dispo-  
 sition alienated from his subjects; and his return,

<sup>22</sup> Speech of Sir G. Treby. Ibid.

<sup>23</sup> Speech of Sir G. Treby. Grey's Debates, vol. ix.



and the recovery of his crown, if accomplished by the assistance of such an ally, must be attended with the slavery of his native kingdom<sup>24</sup>.

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The imbecility of argument, and the coldness of affection, with which the friends of James supported his cause, in the lower house, were, no less than the zeal and number of his opponents, an evidence of the desperate situation of his affairs. Their arguments referred principally to the preliminary question, which was taken for granted by those who spoke on the other side; namely, "Whether the convention had powers adequate to such an important decision, as that of finding the throne vacant?"

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There were a few, who denied the possibility of such an event as the demise of the crown, in an hereditary monarchy. Could the interference of the convention, or the united authority of all the electors in the kingdom, violate the natural and established order of descent? The attempt, if successful in this instance, would suggest inferences of extensive and alarming application; and shake all the securities, which the law had given to individuals, for the preservation of their rights and property<sup>25</sup>. But even those, who, in the course of the debate, maintained the principles of the tories, expressed the most pointed censure of the mal-administration and misconduct of the late king; and the most forward desire to pursue such measures, as might effectually prevent his return to power. Affected with a deep sense of the injuries they had sustained under his arbitrary government, justly apprehensive of the continuance and increase of them, if he should again ascend the throne, they hastened, without a scrupulous attachment to

<sup>24</sup> Grey's Debates, vol. ix.

<sup>25</sup> Ibid.

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forms, to pronounce a sentence, which his demerit justified, and their own safety indispensably required. But, though the majority of the house might be persuaded, upon an extraordinary occasion, to deviate from common forms, yet it was evident that it would give a greater weight to their resolutions, if any precedent could be found, exactly suited to the situation of the kingdom, and to the remedy proposed. None of the examples, cited from the English history, were conformed, in every circumstance, to the event which now engaged their deliberation. Richard the second was personally apprehended by the barons, and specifically charged with offences, not only against the state, but against individuals; and he had subscribed an instrument, formally resigning the crown. Edward the fourth, and Henry the sixth, fled from the violence of their enemies, and abdicated the government by compulsion. To remove the doubts of those, who objected to the novelty and temerity of excluding James from returning to the throne, Mr. Somers, with great address, directed the attention of the house to a foreign transaction, which, as it had been suggested by a situation precisely similar to that of England, so it exhibited an example of the most successful plan of settling a government, disturbed and interrupted, by the bigotry and desertion of the supreme magistrate<sup>26</sup>. Sigismund, next heir to the crown of Sweden, had, during the life of his father, become a convert to the Roman catholic religion. His future subjects, like the people of England, in the reign of Charles the Second, looked forward, with dismal apprehensions, to a succession so threatening to the interests of their religion.

1592. After the death of his father, their fears were in

<sup>26</sup> Grey's Debates, vol. ix.

some measure removed, and their allegiance engaged, by the most solemn declarations of Sigismund, that he would maintain the laws and religion of Sweden. Regardless of these, he still prosecuted the instigations of bigotry, erected a popish church in the capital, conferred offices of the highest trust upon Roman catholics, and put his garrisons into their hands. The alarm of his subjects now rose to the highest pitch: All ranks of men united to defend their religion and laws, and to avenge the treachery of their sovereign. Sigismund suddenly fled into Poland. An assembly of the States, which met at Stockholm, not only declared that he had abdicated the crown and government, but they renounced his family, and settled the crown upon his uncle, Charles, duke of Sudermania, and upon his heirs, who were protestants<sup>27</sup>. The justice of this sentence was applauded by all the protestant states in Europe. The similarity of circumstances recommended it to the imitation of the English convention, and insured the approbation of foreign nations<sup>28</sup>. As the

<sup>27</sup> State Tracts, T. W. vol. i. p. 229.

<sup>28</sup> Sigismund the third had been elected, during the reign of his father, to fill the throne of Poland, by the interest of his mother, who was of the royal Sigismonian race. The prejudices instilled into his mind, at an early period, by her, were confirmed by the intrigues of the Jesuits; and he became an avowed convert to the Roman catholic religion. The similarity of his character to that of James, and of the situation of England to that of Sweden, must naturally have had a considerable influence in leading to the conclusion of the important debate on the settlement of the nation. These circumstances deserve to be recited, in gratitude to the memory of that illustrious person, who was an honour to his party; and in this, and in many other instances, eminently instrumental in serving the cause of liberty.

The word Abdication was probably borrowed from Grotius, whose authority was often cited in the course of these debates. In the following sentence, he puts a case exactly resembling that which

CHAP. the conduct of James, his profession of the Roman  
 IX. catholic religion, and his desertion of the kingdom,  
 exhibited an exact counterpart to the charges  
 1689. brought against Sigismund; so the following reso-  
 Final reso- lutions of the convention appeared to be, almost,  
 lutions, a literal transcript of the sentence of the States of  
 Sweden; namely, that king James the Second,  
 having endeavoured to subvert the constitution of  
 the kingdom, by breaking the original contract  
 between the king and people, and, by the advice  
 of jesuits and other wicked persons, having vio-  
 lated the fundamental laws, and withdrawn him-  
 self out of this kingdom, has abdicated the go-  
 vernment; and that the throne is become va-  
 cant<sup>29</sup>.

These resolutions of the commons were carried  
 by Mr. Hampden to the house of lords, who im-  
 mediately resolved themselves into a committee of  
 the whole house, to consider the state of the na-  
 tion.

Debates in The earl of Nottingham, who opened the ques-  
 the house tion, admitted, for sake of argument, the suppo-  
 of lords sition, that the throne was vacant, that he might  
 concern- immediately bring under discussion the measures  
 ing settling proper to be taken, for accomplishing the settle-  
 the nation. ment of the nation<sup>30</sup>. The very idea of heredi-  
 tary monarchy, such as that of England, implied  
 the indefeasible succession of the next heir, upon  
 the event of a vacancy. By the established princi-  
 ples of the constitution, this was a point fixed, and

which existed in England at this time. "*Si rex aut alius quis,*  
*" imperium abdicavit aut manifeste habet pro derelicto, in eum, post*  
*" id tempus, omnia licent quæ in privatam, &c. &c."* Grotius  
*de Jure Belli et Pacis; lib. i. cap. 4. sec. 9. p. 150. See also*  
*lib. ii. cap. 7. sec. 26.*

<sup>29</sup> Journ. Commons, 28th January.

<sup>30</sup> Lords Debates, vol. i. p. 339. Burnet, 1689.

unalterable,

unalterable, and could not be submitted to the opinion of the convention. If this question was even under their decision, they would be but little friendly to their country, who could wish to alter the established law, and to introduce dilatory forms, and disputable qualifications, in supplying the present vacancy of the throne. It was easy to foresee, that a departure from the lineal succession would prove a permanent source of intrigue and civil commotion. If but a single precedent for electing a king of England was established, however peculiar and urgent the occasion, it would for ever destroy the energy and stability of the monarchy, and transmit the seeds of civil war to remote generations, who, without feeling the grievances of which their fathers complained, would imitate the example, and follow the innovation, which they had introduced: it would keep alive distrust and jealousy between the king and his subjects. The former would consider himself, as but little interested in that national glory, which was not to redound to the honour of his posterity. The single object of his policy and influence would be, to secure to himself, and bequeath, to his heirs, the aggrandisement he had obtained; while, on the other hand, subjects, conscious of a power to overturn or transfer the throne, would be impatient to find an opportunity or pretext for exercising it. They would be ready to put the hardest construction upon the conduct of their sovereign, and to torment themselves with imaginary grievances. The safest and most obvious remedy, in the present crisis, was, what the law had provided, in cases similar to it, such as the nonage or the insanity of the royal heir, by appointing a regent to administer the government, in the name and behalf of the person, in whom the rightful authority was inherent.

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CHAP. rent. A regency, therefore, was proposed, on  
 IX. account of its analogy to the customs of the consti-  
 1689. tution, as preferable to any other plan of settling  
 the government, and saving the liberties of Eng-  
 land<sup>11</sup>.

It was answered by the lords, who were in the interest of the whigs, that the situation of the kingdom was entirely different from that, which was legally provided for, by the temporary substitution of a regent; nor was it fair to suspect, that a remedy adapted to extraordinary circumstances, would, in future, give any sanction to a wanton, and unnecessary deviation, from the established forms of the constitution. The power of a regent was subsidiary to that of the prince, not exclusive of it: the authority of the former was substituted in the room of the latter, because there was a natural impossibility, that a prince, who was an infant, or insane, or absent, could express his commands, or enforce obedience to them. In the present case it was evident, that the authority of a regent must operate, to the detriment and subversion of the authority upon which it was grafted. It hung out a signal to the factious and discontented, who would never want an opportunity for embroiling the nation, and exercising their mischievous passions, under the cover of zeal for the constitution. Some would court the favour of the prince, and others that of the regent. Those, who could not find preferments under the patronage of the regent, would embrace more promising hopes of success, by exerting their utmost efforts, to suppress the delegated and fictitious, and to restore the original, and supreme authority of the State. The dangers, apprehended from the example of electing a monarch, were not likely to arise, from the proposed

<sup>11</sup> Burnet.

expedient of electing a regent. What difference could it make to the nation, which of these precedents was preferred hereafter; whether factious and discontented men, without any sufficient ground for justifying so violent a measure, should depose the prince, by setting up another prince in his place, to deprive him of actual authority, by substituting a regent? Both precedents were equally liable to imitation, and would be equally productive of violent effects in the nation. But, with respect to the situation of subjects, who obeyed a king in possession, or obeyed a regent, obtruded upon the rightful sovereign, the case was not alike dangerous. By the statute of Henry VII., the subjects, who had submitted to a king in possession, were screened from the penalties of the law, and the resentment of a rival who might finally prove successful. But, for those, who yielded to the usurpation of a regent, the law had provided no reservation of mercy. If a regent, set up against the will and approbation of the prince, should be displaced by the re-establishment of the royal authority, all who had supported him, and held commissions under him, would be exposed to the charge of high treason, and the uncontrolled vengeance of the power they had dishonoured. This distinction, adopted by the law of England, was rooted in the obvious principles of reason and equity. The possession of the crown, involving all the faculties of executive authority, was quite an overmatch for every mean of resistance, which private members of the state could employ; while, at the same time, the arguments, produced in support of the claim of contending rivals for the throne, were often too complicated for the comprehension of men of ordinary understanding, who were actuated by the most upright intentions. But, the

very

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CHAP. IX. very title of a regent, though he had obtained the command of the revenue of the state, and the services of its subordinate officers, still referred to an authority original, and paramount to itself. It supposed, that there existed, somewhere, a power, which had a prior claim to the allegiance of the people. To obey a regent, acting in opposition to his constituent, was such a palpable violation of duty, such a wilful contempt of supreme authority, that the legislature never could imagine any circumstance of exculpation or apology, for those to whom it was imputed<sup>1 2</sup>.

Resolutions and vote.

29th Jan.

As this view of the question was supported by strength of argument, so it was also accommodated to the prejudices and interests of men, who usual'y differed upon political subjects. The moderatetories, who were desirous to raise the princess of Orange to the throne of her father, were, upon this occasion, reinforced by the whole body of the whigs, who destined the same dignity for her consort the prince of Orange, and both joined in the vote to prefer a king to a regent. This resolution was carried by a majority of two votes, fifty-one to forty-nine.

So far as the lords had already proceeded in the settlement of the nation, they had not so much as entered upon the ground which the commons had occupied, and therefore found no occasion for interfering with their sentiments, or for expressing their dissent from any part of the resolutions which they had adopted. As if desirous to keep aloof from the field of contention, they still persevered, in a distant track of discussion, to insist upon the topics, which, though connected with the grand subject of inquiry, had not been investigated by the lower house. In the issue of their first debate, they had gained ground upon the commons, and anticipated the remote consequence of their reso-

<sup>1 2</sup> Burnet. Lords' Debates, vol. i.



lutions. The commons had only found that the throne was vacant; the lords determined to fill it with a king. By a retrograde motion upon the second day, they returned to a stage of the business, anterior to that from which the commons had set out, and largely insisted upon the principles which they had taken for granted, in order to hasten to the conclusion, that the king had abdicated the throne.

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The celebrated question of the original contract, now exercised the ingenuity and the eloquence of the most accomplished speakers in the upper house. In support of the question, it was argued, that all power, flowing from the people, must have been originally transferred to their delegates upon certain conditions, formally stipulated, or, in the very nature of the case, supposed. The oath of the king of England at his coronation, though expressed in more general terms than had been used in ancient times, still implied a trust committed, or dignity and influence conveyed to him, for the protection and benefit of his people. Every oath of trust, required of men before they entered upon the execution of office, was intended, not only to check that abuse and negligence, which eluded the detection of those who were affected by them, but also to signify the solemn assent of the trustee, to the conditions under which his trust was held; that, upon the notorious violation of them, he might be displaced, and brought to condign punishment. If ever the people could be justified for resuming their power, and following the consequences of this doctrine, it must be, after having endured the most extreme oppression, and after having tried, in vain, every other method of redress. If precedents were wanting to corroborate a proposition so deeply founded in reason and necessity, and so essentially connected with the original

The question concerning the original contract.

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nal rights of mankind, it only evinced the enormity of their oppression, which required bold and untried means of deliverance. Future generations would revere the memory of those patriots, who had exhibited a precedent, so well calculated to admonish princes, and to overawe the first motions of tyranny.

The arguments opposed to these, were compounded of the stale maxims in support of arbitrary power, and hereditary, indefeasible right, which, to the disgrace of the age, had been spreading among all orders of men; that kings received their power from God, and to him only were accountable for the exercise of it; that the coronation oath did not raise the king to the throne, but found him already seated upon it; nor did the words of it express disability or forfeiture, either in case he should decline to take the oath, or violate the obligations expressed by it. Arguments, glaringly deficient in solidity, require every proof of sincerity, and the most regular conformity in practice by those who urge them, in order to gain patient attention from the persons to whom they are addressed. Propositions, contradicted by the actions of the men who now undertook the defence of them, and who, in the steps they had already taken, had lost sight of their theories, were little calculated to impress conviction; and the resolution, that there was an original contract, prevailed by a majority of seven votes. Fifty-three voted for it, and six against it<sup>11</sup>.

Resolutions and vote.

The commons avoid any farther measures for settling the government.

During the continuance of these debates in the house of lords, the commons, once and again, resumed the question concerning the state of the nation. There were many who wished to bring their

<sup>11</sup> Reresby. Lords' Debates, &c.

debates upon this subject to such conclusions, as might contribute to the extensive and durable amendment of the constitution. They were of opinion, that the present moment afforded an opportunity, which the revolution of ages might not recal, for erecting fences against future oppression, and fortifying the liberties of the subject. There were some who proposed, that, as the commons had proceeded so far as to find the throne vacant, so they ought to complete their work, by naming the person who was to succeed to it<sup>14</sup>. Obvious considerations of prudence restrained the majority of members in the lower house from agreeing to this proposal. They were aware of those heats which would unavoidably arise among themselves, upon the discussion of questions of the most delicate nature. They foresaw, that it would occasion a misunderstanding with the other house, which discovered no forwardness to concur with the resolutions which they had already adopted, and that even the united authority, of both houses of convention, might be liable to exception, if any change in the laws or constitution, however beneficial, was introduced during the absence, or extinction, of the supreme magistrate. They were therefore of opinion, that all questions relative to the amendment of the constitution, ought to be postponed, till they had restored the government to its entire state, by supplying that branch of the legislature which they had found to be deficient. They professed to believe, that the declaration of the prince of Orange afforded them sufficient security, for his consenting to whatever laws might appear to be necessary, after cool deliberation, for bringing the constitution to perfection. One important vote only, during this interval, was passed

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<sup>14</sup> Grey's Debates.

C H A P. by the commons, which could give no offence, nor  
 IX. be considered as any exception to the general tenor  
 1689. of the arguments now mentioned; namely, that  
 popery having been found by experience, to be  
 incompatible with the nature of the English con-  
 stitution, Roman catholics should for ever be ex-  
 cluded from succeeding to the throne<sup>35</sup>. Upon  
 the same principles of prudence, which induced  
 them to abstain from farther amendments, they  
 were anxious not to excite the jealousy of the lords,  
 by taking the lead in every part of the arduous  
 business now depending; and having laid the  
 foundations of the new fabric of government, they  
 wished to leave to the other house the merit of rais-  
 ing the superstructure.

The lords  
 propose  
 amend-  
 ments  
 upon the  
 resolutions  
 of the  
 commons.

On the thirtieth of January, the committee of  
 the lords took under consideration those clauses,  
 in the resolutions of the commons, which laid  
 them under the unavoidable necessity of expressing  
 either their agreement, or dissent. Had king Ja-  
 mes abdicated the throne? If he had, was the  
 throne consequently vacant? After the full discus-  
 sion of these topics in the house of commons, it  
 was not to be expected that any new arguments  
 could be brought forward, in the course of the  
 debates, in the house of lords, though they lasted  
 for two days, and at last terminated in these two  
 amendments: first, that, in place of abdicating  
 the throne, they should substitute, deserted the  
 throne; and, secondly, that the clause that the  
 throne had become vacant, should be entirely  
 omitted<sup>36</sup>.

Observa-  
 tions.

In the course of these debates and votes in the  
 house of lords, there was an evident partiality to  
 the principles of the tories, while, at the same  
 time, the views and interests of individuals occasi-

<sup>35</sup> Journ. Commons, 29th January.

<sup>36</sup> Journ. Lords, 30th January.

onally checked the spirit and tendency of their principles, and formed a coalition among men of different parties. The tories were disposed to prefer a regent to a king, and to admit the idea of an original contract, or to assent to any vote, tending to censure the mal-administration of James; but they did not chuse to ratify any conclusion, derogatory from the dignity of the monarchy, in an abstract view; and this they dreaded to be the consequence of voting for an abdication, or vacancy in the throne. The earls of Nottingham, Clarendon, and lord Danby, though they differed in their opinions upon some of these questions discussed, were equally attached to tory principles. The bishops, almost without exception, adhered to them. Lord Halifax was a powerful advocate for the principles of the whigs. Though he had early entered into a correspondence with the prince of Orange, yet his sincerity and steadiness were suspected, because he disapproved of his expedition into England as premature; and after the arrival of the prince, he had accepted a commission from James, to unite them in a plan for composing the discontents of the nation<sup>36</sup>. As if it had been with a view to retrieve his interest, or to stand foremost in favour with the new court, he now exerted his utmost abilities, in defence of the votes of the commons. He moved the resolutions of raising the prince of Orange alone to the vacant throne. The combination of various interests for a while repelled his success, and overpowered the influence of the whigs. The bishops, though they had suffered under the tyranny of James, recoiled from a conclusion, which impeached their principles of hereditary right, or admitted any interruption of regal power. The tories adopted the same

<sup>37</sup> Burnet, 1689.

CHAP. IX. sentiments, and the few who secretly retained an affection for James, or wished to reserve any prospect of succession for his infant son, could accomplish their desire, only, by rejecting the idea of a vacancy in the throne<sup>38</sup>. The commons refused to admit the amendments of the lords: Conferences took place, which were managed on the part of both houses, by persons selected for their abilities; but neither of them could be persuaded to depart from their resolutions<sup>39</sup>.

Conference between the two houses.

That the reader might be assisted to form just views of the principles, and temper, of different parties, and of the abilities of their leaders, I have attempted to exhibit a compendious view of the arguments, which were employed in support of the several conclusions now recited. But, with respect to the controversy carried on in the conferences between the two houses, this attempt must be vain and impracticable. In the whole course of these debates, conducted by persons of the first learning and abilities, and spun out with vexatious prolixity, we meet with nothing solid to fix the understanding; nothing curious to amuse the imagination; nothing interesting to animate affection<sup>40</sup>. Were the rusty volumes of the schools to be ransacked, they could not perhaps furnish a more copious collection of verbal quibbles, and of obscure, trifling, and incomprehensible distinctions. The secret affections of men often taint the complexion of their arguments; and the foresight of hated conclusions betrays them into the most

<sup>38</sup> Clarendon's Diary, January, February.

<sup>39</sup> These conferences were managed by Mr. Hampden, serjeant Holt, Maynard, sir George Treby, sir Robert Howard, sir Richard Temple, Mr. Sacheverel, and Pollexfen, for the commons: By the earls of Nottingham, Clarendon, Rochester, for the lords.

<sup>40</sup> Chandler's History.

shameful perversion of judgment. Both parties kept their eyes fixed upon the consequences, delucible from the principles about which they were contending, and remained immoveable, either by arguments or objections, which referred to the principles themselves. The Tories wished to reject the doctrine of an elective monarchy; and adduced arguments, which, if pursued through all their consequences, would have redounded to their own reproach, for having deviated so far, as they had already done, from their favourite maxims. The Whigs were afraid of upbraiding them with the inconsistency of their conduct, or exposing the futility of their reasonings to that ridicule which they deserved, lest they should have awakened animosity, at a period which required the most cordial unanimity. They found it safest and most expedient to encounter them with their own weapons; and to endeavour to perplex and weary them with the sophistry and length of argumentation; trusting, that some fortunate contingency might put a period to a stagnation of business, so dangerous in the present crisis of the nation. Their expectations were not disappointed; and the following incidents account for that sudden change of sentiment, which took place in the upper house; and how it came to pass, that the resolutions of the commons, rejected by a majority of eleven votes, and opposed with inflexible obstinacy in their conferences, were at last adopted by the lords; and the prince of Orange elected to fill the vacant throne\*.

1. The whole attention of the people of London had been engrossed by the proceedings of the convention. They listened with applause to every motion tending to the settlement of the nation; Causes which con- strained the lords to concur

\* Journ. Lords, 6th February.

but

C H A P. but discovered impatience and resentment, when they heard of any objection, contrived to embarrass, or retard, that desirable event. Curiosity, long suspended, engenders ill humour and fretfulness; which naturally discharge themselves upon the persons, who are considered as the instruments of delaying or disappointing its gratification. The bold and direct resolutions of the commons; the dilatory, circuitous plan of proceeding pursued in the house of lords; the amendments they proposed, and the obstinacy and wrangling with which they adhered to them; left it no longer doubtful with the multitude, where the blame lay, or who the proper objects of their resentment were<sup>41</sup>. These rising discontents the lords had in vain attempted to allay, by assenting to the vote of the commons, to exclude papists from the succession to the throne, and by ordering that the anniversary thanksgiving, in commemoration of the accession of king James, should not be observed. The complaints of the people, perhaps secretly cherished by the whigs, still continued to increase; and, after the ineffectual conferences between the two houses, broke out into tumultuous and licentious importunity. Multitudes of the lower class of the inhabitants of London daily assembled in the different avenues to Westminster, and insulted the tory lords, with hisses and reproaches, in their way to the convention<sup>42</sup>. In order to render them universally odious, and to frighten them into a compliance with the resolutions of the commons, printed lists of their names were handed about, and they were threatened with vengeance, if they persisted to obstruct the desire of the nation. Petitions to both houses, entreating them to proceed,

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with the  
resolutions  
of the  
commons.

Discon-  
tents

2d Febru-  
ary.  
and tu-  
mults of  
the people.

<sup>41</sup> Cunningham's History, vol. i. p. 101.

<sup>42</sup> Clarendon's Diary, February.



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without delay, to settle the crown upon the prince and princess of Orange, were carried about; and the persons, who refused to subscribe them, were treated with indignity, and threatened with violence<sup>44</sup>. These disorderly proceedings occasioned a proclamation by the prince, prohibiting the people to disturb the deliberations of the convention. But the delay of this proclamation, till the evil which it was intended to remedy had advanced too far, rendered it but little effectual to compose the tumults of the people, and to insure the safety of those, who favoured the resolutions of the lords.

2. The behaviour, and the explicit declarations, of the prince, and princess of Orange, destroyed every hope of success hitherto entertained by the peers, who had remonstrated against the vote of the commons. The majority of the house of lords, tender of the rights of the princess, had adopted the resolution of demanding an unreserved communication of the sentiments of her husband, respecting the settlement of the nation. To lords Halifax, Danby, Shrewsbury, Nottingham, distinguished by their influence in the upper house, the prince opened his views and intentions, and declared, that he would neither accept the office of regent, nor hold the royal power, in partnership with his consort, nor in dependance upon her<sup>45</sup>. Though he professed indifference with respect to the issue of their resolutions, and intimated his purpose of returning to Holland, yet as there remained only one expedient for settling the government, of which he had not disapproved, it was not difficult to explore the secret wishes of his heart.

Declaration of the  
prince of  
Orange.

A declaration of the princess of Orange concur- Of the  
red, at the same time, to discourage the zeal, and princess of  
Orange.

<sup>44</sup> State Tracts, T. W. 1st, 105.

<sup>45</sup> Burnet, 1689.

disappoint

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disappoint the projects of those who had enlisted themselves as her partisans, and who intended to raise her to the supreme authority, in preference to her husband. Lord Danby, who had been instrumental in promoting her marriage with the prince, was naturally considered as the head of this party, and had lately intimated its favourable intentions, by a special messenger sent to the princess in Holland. She replied in the language of rebuke, "that she was offended by the offer of any dignity to herself, contrived to separate her from the interest of her husband; and that she never would deviate from that respect and deference which she owed him as a wife." As a test of her sincerity, and a barrier to all future exertions in her interest, she transmitted lord Danby's letter to the prince, together with the answer she had returned to it<sup>46</sup>.

Of the  
princess  
Anne.

3. The declaration of the princess Anne, expressing her approbation of the settlement of the crown upon the prince as well as the princess of Orange, removed those objections, which, attachment to her person, as well as a strict regard to justice, opposed to the votes of the commons, and the general inclinations of the whigs. The transfer of the crown to the prince of Orange, not only during the life of his consort, but during his own life, appeared to be an infraction of the order of succession which necessity did not require, and an invasion of the right of the princess Anne, which nothing but her consent could justify. Convinced of her right to the crown, in preference to that of the prince of Orange, but, at the same time, of the precedency of her brother's claim to hers, the princess remained for some time perplexed and irresolute. Though, by deserting

<sup>46</sup> Clarendon. Burnet.

her father, she had given the most significant testimony of her approving of the expedition of the prince of Orange, yet, in confidence to her friends, she expressed an abhorrence of any measure injurious to the right and dignity of the former. Prince George, her husband, was nevertheless admitted into the private consultations of the prince, and was believed to concur in every measure favourable to his views of independent royalty. Lord Clarendon, staggered by these apparent inconsistencies, and zealous for maintaining the regular succession, waited upon the princess Anne, and availing himself of the privilege of a relation, demanded an explicit communication of her opinion and inclinations with respect to the settlement of the crown. She answered with frankness, and to his entire satisfaction, that she would take no part in any measure hurtful to her father's rights; and affirmed, that all reports to the contrary were false and abominable. This declaration she confirmed by a note written with her own hand, which she allowed lord Clarendon to keep in his possession<sup>47</sup>. Though the right of the princess was prior to that of William, yet it was only in consequence of his succession, and by a concurrence with his plans, that she could indulge the hope of ever sitting upon the throne of England; while the rank of next heir to the crown, and the promise of a liberal pension from the prince, presented to her alluring temptations of emolument and grandeur<sup>48</sup>. The influence of these prospects was seconded by the pressing advice of lady Churchill, who had acquired a powerful sway over the mind of her mistress, and with her elevation began to forecast those projects of honour and profit to her own fa-

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<sup>47</sup> Clarendon's Diary, 17th and 27th January, 5th February, and 12th March.

<sup>48</sup> Buckingham.

CHAP. mily, which she afterwards had the good fortune to  
 IX. realize<sup>49</sup>. The princess, however, still wished to  
 1689. maintain the external appearance of decorum, and  
 not to offend her personal friends wedded to the  
 order of succession, by any public approbation of  
 the measures of the whigs; but, when the strength  
 of that party appeared inadequate to establish the  
 succession of the prince of Orange, the basis of her  
 fondest prospects, she was constrained to drop the  
 mask, and to sacrifice reputation for integrity and  
 filial affection, at the shrine of ambition.

Effects of  
 them.

This was the signal of alarm to those who had  
 hitherto struggled against the advancement of the  
 prince of Orange. When the current set in for  
 his interest, some were afraid of being left behind  
 in the competition for his favour, and some wished,  
 by the fervour of their zeal, to atone for past de-  
 merit. Upon the sixth of February, when the  
 great question was decided, lords Chesterfield,  
 Holland, Weymouth, Ferrers, Godolphin, the  
 bishop of Oxford, who had voted for the regency,  
 absented themselves from the house. Others,  
 who had formerly discontinued their attendance  
 upon the pretext of delicacy, because they owed  
 great personal obligations to king James, now  
 came forward, and gave their voice in concurrence  
 with the resolutions of the commons. In this  
 class were lords Churchill, Lincoln, Mulgrave,  
 Carlisle, and Lexington<sup>50</sup>. Crew, bishop of Dur-  
 ham, who had deeply participated of the guilt of  
 king James, by the active part he had taken in the  
 ecclesiastical commission of which he was a mem-  
 ber, now purchased his pardon and the confirma-  
 tion of his dignity, by his services to the prince of

<sup>49</sup> Conduct of the dutchess of Marlborough. Liddard's Life  
 of Marlborough, vol. i. p. 49.

<sup>50</sup> Life of William, vol. i.

Orange''. The question to concur with the commons, in finding the abdication and vacancy of the throne, was carried by a majority of fifteen votes. The lords, though they had long retarded the settlement of the nation, afterwards exceeded the zeal of the commons, by putting the finishing hand to this work; and having first agreed to their vote, that the throne was vacant, they next came to the resolution, that it should be filled with the prince and princess of Orange; and that the full, regal power should be vested in the prince alone; and finally, that, after their decease, it should descend to the princess Anne''. This important resolution was voted by a majority of twenty.

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The lords

concur

with the

votes of

the com-

mons;

and settle

the crown

upon Wil-

liam and

and Mary.

Thus the cause of the whigs surmounted an obstinate and tedious opposition, and the prince of Orange was advanced to the throne, without being subjected to any limitations of authority, more than what were understood to be already inherent in the laws and constitution of England. Upon this idea was formed that celebrated instrument, called the bill of rights, and presented to the prince and princess of Orange, together with the crown, and accepted by them, as the condition of obtaining and holding it.

The last act of the convention was an alteration of the oaths to government. The tories, though they had struggled for a regency, and endeavoured to obstruct a departure from the line of succession, were by no means willing to be excluded from trust and employment under the new government. Nor would it have been wise in the new king, to have stigmatized a body of men pre eminent in patrimonial dignity and influence. It was therefore referred to the leaders of that party in the

Alteration

of the

oaths.

<sup>51</sup> Burnet. 1689.

<sup>52</sup> Joura. Lords, 6th February.

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house of lords, to contrive such a form of the oath of allegiance, as might secure their attachment and services to the new government, while it did not offend their conscience, or violate their honour<sup>33</sup>. They scrupled to acknowledge William as their rightful and lawful sovereign, but they were ready to swear fidelity and allegiance to the king in possession. By this accommodation, the scruples of the tories were removed, and the earl of Nottingham boasted in the name of his party, that though they would not make a king, yet they would serve him as faithfully as those who had made him.

Effects of  
the revolution  
with respect  
to the constitu-  
tion.

Whether the revolution changed the constitution of the English government, and in what degree it has done so, are questions which have given occasion to great wrangling and diversity of opinion, among political authors. It is probable, that disputants would be more nearly reconciled, and in part brought to agreement, if they were to separate, or divide this question.

1. It may be asked, what the convention, which established the revolution, thought, with respect to this subject? What they meant and professed to do? They have answered these questions, in the language of the bill of rights. In the preamble to the bill it is asserted, that James, by the assistance of evil counsellors, had endeavoured to subvert the laws and liberty of the kingdom. After enumerating many examples of this, they introduce the bill of rights, with an express declaration, that the purpose of it was to vindicate and assert their ancient rights and liberties. And having recited these, they conclude in the following words: "that they do claim, demand, and insist, upon all and

<sup>33</sup> Ibid. 12th February.

“ singular the premises, as their undoubted rights  
 “ and liberties.”

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So far then, as the authority of the convention is admitted to explain its own design, there is no ambiguity or room for dispute. The professed object of the revolution was, to maintain the government as it existed, to preserve the *ancient, well known, and undoubted privileges*, of the people. By the assumption of this language, they acted with the most cautious prudence, and agreeable to the dictates of the wisest policy. If the constitution had been once thrown loose, it is impossible to say, how difficult it might have been to have fixed it again: If innovations had been avowedly introduced, how much they might have been multiplied, or where they might have ended. The very ground of their resistance to king James, was his having attempted to introduce innovations into the constitution; and having prevailed against him, they acted with uniformity and consistency, in professing to heal the breaches that had been made upon it, and to restore it to its primitive and genuine purity. In this view of the subject all must agree, that the convention, in expressions plain, positive, and incontrovertible, declare against innovating upon the constitution, or changing it.

If the question be put in another form, and restricted to the real matter of fact; if it be asked, whether the constitution was actually changed by the revolution? a wider field of controversy expands to our view, and a greater latitude of sentiment must necessarily take place. My opinion upon this state of the controversy will occur, with greater propriety, in a subsequent part of this work<sup>54</sup>. I shall only in this place so far anticipate the sentiments there expressed, as to observe, that

<sup>54</sup> See Chapter xxi.

CHAP. there is not any person, the most tenacious of the  
 IX. doctrine of the antiquity of our constitution, who  
 1689. will be inclined to deny, that whatever the rules of  
 government may have formerly been, yet the max-  
 ims, and habits, and temper, of those who go-  
 vern, have been greatly reformed by the revolu-  
 tion.

Another question naturally occurs; namely, how far was this measure, or the revolution itself, conformed to the genius of the constitution, or the established laws of England? Though it may be deemed a kind of supererogation in argument, to say any thing in defence of a measure urged by necessity, and by every motive of reason and feeling, yet it may be satisfactory to some, to observe, that, by the revolution, the laws and constitution of England were not violated at all, or, at least, in that degree, which is taken for granted by many, who are by no means to be considered as enemies to the revolution itself. From the period of the reformation in England, the civil government and the protestant religion were interwoven, and reciprocally pledged for the preservation of each other. Next to its own safety, it became the object of the state to cherish and defend the protestant religion. Hence, by the purport of numberless statutes, any share or participation of government was irreconcilable with the profession of the Roman catholic religion, and considered in the same light as treason against the state. Is it consistent with the authority of these statutes to imagine, that a disqualification, specified and fixed with respect to every inferior office of magistracy, should be tolerated in the supreme magistrate? Nay, would not this have frustrated the purpose and tendency of all the laws devised for excluding Roman catholics from any share of government? For, what was the purpose of these laws, but to prevent



prevent the revival of a reprobated religion, which was most likely to happen, if it was professed by those persons whose influence and example must be strengthened, by the authority and patronage of office? But for what purpose bind the weak, and leave the strong man loose, uncontrolled, and unawed? Did not the prince, in proportion as he was exalted above all inferior officers and magistrates, enjoy a more extensive and irresistible power of contaminating, and subverting that religion, which was incorporated with the government itself? If the legislature was silent upon this subject, was it not more rational, to impute this silence to a delicacy, which abstained even from imagining such inconsistency and enormity in the character of the supreme magistrate, than to suppose that it should be so much at variance with itself, as, by one stroke, to counteract the effects of all its labours and precautions, while it permitted him to profess a religion incompatible with the constitution and government of the country? Such seem to have been the views of the convention, when it found that it was not consistent with the constitution to be governed by a popish prince. This was no more than the declaration of a fact already notorious, rooted in the principles of the constitution, and fortified by innumerable statutes and precedents.

If this strain of reasoning be admitted as just and solid, it evidently follows, that the throne, upon the conversion of James to the Roman catholic religion, became open to the next protestant heir. It devolved, without any interposition of the legislature, and of right, upon the princess of Orange. If she had been willing to accept it, according to the strict principles of hereditary monarchy, the convention would have nothing to do, and their disposal of it against her inclinations would have been

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been a breach of order, and an infringement of the constitution. But the princess of Orange expressly declined the succession; the princess Anne, next in the hereditary line, also declined it. Both of them expressed their consent to devolve their right upon the prince of Orange. The convention did no more than confirm this transfer in name of their constituents.

It may be asserted, that, in strict conformity to these maxims of the constitution, the infant prince ought to have been named first to fill the vacant throne. I do not object to this upon the supposititious birth of the prince, because I do not think that the objection is supported by evidence; but I object to it upon the score of impossibility: I say impossibility, holding in view the principal object of the meeting of the convention; namely, the preservation of the protestant religion, and the settlement of the nation. It was absolutely impossible that these ends could have been obtained, by keeping the throne open for an infant prince, carried into a foreign kingdom, and under the tutelage of a father, who had sacrificed all to the interest of the Roman catholic religion. The convention, it should seem, was aware of these consequences, and with great propriety and wisdom declined to examine the evidences of the birth of the prince of Wales.

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## C H A P. X.

*Observations upon the political State of Scotland.—Circumstances favourable to Liberty in England.—Adverse to it in Scotland.—Loyalty of the Scots,—precarious, and little availing to the Prince.—Attachment of the Scots to the Presbyterian Form of Religion,—the cause of their Opposition to the House of Stuart—productive of Events favourable to the Revolution.—Imprudent Government of James in Scotland.—Progress of the Revolution there.—The Scotch Nobility in London address the Prince of Orange to assume the Government, and call a Convention—The Presbyterians most successful in the Elections.—The Convention meets.—Cautious Measures of the Convention.—The Duke of Gordon holds the Castle of Edinburgh for James.—The Friends of James resolve to call a Meeting of the Convention at Stirling.—Dundee flies from Edinburgh.—His Friends desert the Convention.—The Convention addresses William.—Subjects of Deliberation in the Convention—Resolutions.—Settlement of the Crown on William and Mary.*

**I**T has been generally supposed, that James was CHAP. X.  
induced to quit the helm of government in England with the greater precipitancy, from the hope of the resources of power which awaited him in Ireland and Scotland; and particularly from the entire confidence he reposed in the loyalty of the Scots, and their readiness to support his future efforts for the recovery of his throne. There were, however, various circumstances in the situation of Scotland, and peculiar features in the character of the people there, which would have rendered a discerning and cautious politician distrustful of any  
U event,

CH A P. event, suspended upon their inclinations or fidelity. A few previous observations on this subject, it is hoped, will prove acceptable to the reader; because, while they explain the causes of the unexpected facility and expedition with which Scotland concurred in the measures already recited, they serve at the same time to exhibit a true and instructive description of the political state of that kingdom.

Observations upon the political state of Scotland. Circumstances favourable to liberty in England. If we compare the laws and constitution of Scotland previous to the union of the crowns, with those of England at the same period, it will be found, that, though in many instances a preference may be due to the latter, yet the fundamental principles of the former are not less favourable to the interest of the subject'. But there prevailed not, among

\* The States of Scotland were intitled to claim the following prerogatives, upon the authority both of statutes and precedents: 1. A power to resist the sovereign, if he invaded the constitution. See Statutes, parl. 6th, James II ch. xxv. in the black acts printed by Lekprivick. 2. The king anciently had no negative voice in parliament, while the statutes often restrained him in matters of government. 3. The Scotch parliament, often appointed the times of their meeting and adjournment, and committees to superintend the administration, during the intervals of their meeting. 4. The king could not make peace or war without their consent: The people were armed by their authority: Commanders, and even the guards who attended the person of the king, were sometimes appointed by them: They not only raised money, but in some instances appropriated it: They ordered the coining of money, and regulated the standard of it. 5. The lords of parliament settled all the fees of the officers of justice, and of the courts of judicature, and even of the officers of the king's house. Faulty judges were not to be restored without consent of parliament. See Ancient Rights and Power of the Parliament of Scotland, printed 1703. It is not affirmed that these powers were regularly exercised by the States, or that they were admitted by the kings of Scotland; but that examples and statutes to this purpose are found in the early part of the Scotch history; that sometimes the king complained that these were usurpations by the aristocracy; and sometimes they were functions

among the people of Scotland, that high sense of the value of liberty, which rendered the English so jealous of its infringement, and so vigilant to seize every incident and opportunity which might serve to extend or secure it. The love of liberty is nourished by the civilization and habits of a nation, more than by the genius and tendency of its government. The ideas of the English, more liberal than their constitution, contributed still farther to embellish and improve it. The sentiments of the Scots, more narrow and abject, retarded the progress, and cramped the expansion of freedom. This diversity of sentiment and character, which cannot be resolved into the effects of laws and government, must be traced to other incidental circumstances, no less powerful in forming the tempers of individuals and communities.

After the union of the families of York and Lancaster, a variety of causes co-operated in England to remove those obstacles which prevented the great body of the people from rising to a state of independence; and to promote a

by his approbation. The obvious inference from what I have quoted is this: That, if the Scots had been inspired with a true taste for freedom, their constitution and their history furnished them with abundance of facts and precedents, for resisting the arbitrary government of their princes.

The union of the crowns of England and Scotland gave a terrible blow to the liberties of the latter. Their prince now acquired a dignity and influence which quite overawed the haughty spirit of the aristocracy; while an inexhaustible source of favours was opened, out of which he could reward the loyal and obedient. Every shadow of the former privileges of the States, it was the object of James I. Charles II. and James II. to extirpate: To all which it may be added, that delegated power is generally more insolent and oppressive, than that which is exercised by the person to whom it immediately belongs. See note 1st, chap. iv. See, upon this subject, Buchanan de Jure Regum apud Scotos.

**C H A P.** more rapid circulation, and a more equal division  
**X.** of property. By the statute of Henry the seventh, the barons were enabled to break entails, and to alienate their estates. The extension of commerce introduced articles of foreign luxury, and consumed a part of those overgrown incomes, which had formerly been employed in the maintenance of a numerous body of indolent retainers, who rendered their proprietors more oppressive to the inferior ranks of mankind, and more formidable to each other.

The progress of liberty and arts was still farther accelerated in England, by an accession of industrious and enlightened foreigners. Multitudes of the inhabitants of the low countries, harassed by oppressive taxation, and by persecution for the sake of religion, chose England for the place of their refuge and future abode; allured by its climate, favourable to agriculture; and its coasts, which abounded in harbours, convenient for navigation and trade. These foreigners not only communicated more enlarged notions concerning liberty, but the arts which they introduced, gradually subverted those ideas and habits of the great, which continually stand in opposition to its progress in rude and uncivilized countries. The accumulation of fortune, accruing to the proprietor from the cultivation of his estate, obviously suggested the connection between his own interest and the independence of the farmer. The progress of manufactures increased the number and wealth of the inhabitants of the cities, and stimulated their industry by the prosperity with which it was crowned. Thus, in England, while men were more upon a footing of equality, independence and opulence were not confined to persons of high birth or office; the protection of the laws and the dispensation of justice were claimed,

claimed, with the same confidence, by every rank and profession. The increase of commerce and manufactures, and the improvement of agriculture, opened plans of peaceable occupation, and the prospect of profit and advancement, to men of activity and enterprise, independent on the favour of the sovereign. Hence many families ascended to wealth, and maintained social intercourse with each other, free from jealousy or rivalry. The security of property, and the equal dispensation of justice, contributed to their common interest: These became the great objects of government; which, therefore, they regarded as the basis and safeguard of their prosperity; and were ready with one heart and hand to defend it, if in danger; and to improve and fortify it when opportunity offered.

In Scotland, different causes produced different effects; and occasioned a wider chasm between the political sentiments of the two nations, than what subsisted between the civil constitution and system of laws belonging to each of them. It was late before agriculture, as a science, was introduced into Scotland; and before the inhabitants attained to those improvements, which tend, in some degree, to guard against the natural disadvantages of climate, and to fertilize a barren soil. Their commerce was extremely restricted: and instead of money, which, by its easy conveyance, finds a rapid and general circulation, and awakens the industry and exertions of every class of men, it only brought home returns of foreign commodities, to feed the luxury and uphold the pomp of opulent chieftains. Hence the people continued idle, indigent, depressed. Multitudes depended entirely, for a scanty subsistence, upon the capricious bounty of the proprietors on whose estates they first drew their

Adverse  
to it in  
Scotland.

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their breath, and to whom they had been inured, by the earliest prejudices of education and example, to devote themselves with the most servile homage. After the period of the reformation of Scotland, the people were apprised of their right, to think and judge freely concerning matters of religion; and though it might have been expected, that such enlargement would have conducted them to more liberal sentiments with respect to politics and civil government, yet the effects of this connexion were but little apparent; and, provided that they were indulged in the religion of their choice, they seemed not to have been disposed to murmur or complain, on account of restrictions laid upon their civil liberty. Nor were the prejudices and manners of persons of distinction more propitious to the introduction and improvement of order and liberty. Their treatment of their dependants at home, domineering, insolent, oppressive, familiarised to their mind the idea of tyrannical government. In consequence of the scarcity of money, increase of property only produced an increase of those rude commodities, which enabled them to maintain a greater number of vassals, rendering them more oppressive to their neighbours, and more dangerous to the state. All their pride centered in the antiquity of their families, and was gratified by the number and pomp of their attendants. Thus there was no unity among the persons who were called upon, by their stations, to be guardians of the constitution; no sense of a public or common interest; no concert to resist encroachments upon liberty, if their own personal fortune and dignity were not immediately affected. The royal family they held in great respect, on account of their pre-eminence in rank, which extinguished every idea of rivalry or competition.

Loyalty  
of the  
Scots,


From



From these circumstances, it was natural for CHAP. James to draw conclusions favourable to his interest; that the people of Scotland would neither be so deeply offended with his arbitrary proceedings, nor allured by any systematic plan held forth by their fellow-subjects in England, for enlarging their privileges, or amending the constitution. X.

There were, however, other effects arising from the causes already described, which rendered the allegiance of the Scots to their king extremely precarious, and, at the most, capable of affording him but partial and feeble succours, upon the emergency of a civil war, or the defection of his English subjects. The turbulence of their spirit, and the rudeness of their manners, rendered men of property and influence impatient under the control of regular government, and exceedingly forward to take a part in any commotion which agitated the state. Neighbouring chieftains succeeded to hereditary feuds, which they often prosecuted by incursions into the estates, and violent assaults upon the persons, of their rivals. Their quarrels, at an early period, required the interposition of the royal power, which, of consequence, became obnoxious to the hatred of the person against whom it had been exercised, and sometimes excited the jealousy of both the contending parties. The entire, undivided strength of the leading men in the nation never could be collected or depended upon. They had a strong propensity to loyalty; but envy of the superior interest of a rival, with their sovereign, or the prospect of supplanting him, often interrupted the exercise of that affection, and disappointed the court of the support it might have expected from individuals, corresponding with the favours they had received, and

**CHAP.** and the professions of loyalty they warmly avowed. The truth of these observations is fully confirmed by the conduct of individuals in Scotland at the revolution.

**X.**  
  
 Attachment of the Scots to the presbyterian form of religion,

The state of religion in Scotland concurred with the causes already mentioned, to propagate discordant affections and divided interests, and to prevent a possibility of uniting the whole force of the nation, upon the concurrence of any extraordinary political commotion. As the opinions, instilled into the mind of the individual in tender years, maintain an ascendancy over his sentiments through the succeeding stages of life; so the system of religion embraced by a community upon its first formation, or immediately after any signal revolution, descend to the remote ages of posterity, in defiance of external means employed to eradicate or change it. The Scotch nation, prepared by extremity of oppression to revolt from the yoke of Rome, received the elements of reformation, and the model of their ecclesiastical government, from teachers who had been educated in the school of Calvin. Disgusted with the frivolousness and multiplicity of external ceremonies prescribed by the popish ritual, they rejected with horror even those less exceptionable forms of worship, which are calculated, through the medium of the senses, to excite impressions of reverence and awe, suitable to the solemn nature of religious service. Filled with indignation at that subjection which the blind superstition of their fathers had yielded to the papal dominion, they became jealous of any jurisdiction which was not contained within the precincts of their ecclesiastical corporation, or which was independent on the subordinate members of their congregations,

From

CHAP.

X.

From these strong prepossessions of the reformed in this country, sprang all those commotions which disturbed the civil government in the three preceding reigns. It was not till after James the first had obtained the crown of England, and acquired the support of a more powerful body of subjects, that he dared to prosecute his favourite plan of establishing episcopacy in Scotland; and the form of it, then introduced, was moderate and humble, and, in reality, more nearly allied to presbytery, than it was to the worship and government of the church of England <sup>2</sup>. Extempore prayers, agreeable to the practice of the presbyterians, were still continued: the Lord's Prayer was repeated at the end of the service, and, together with it, the Doxology and the Creed upon the administration of baptism. The sign of the cross upon that occasion was used or not, according to the inclination of the parents, who alone could be admitted as sponsors for their children: what gave great offence to the people was, the ceremony of kneeling was required at the receiving of the Lord's Supper <sup>3</sup>. The holidays were few, in comparison with those observed in the church of England: the endowments of the bishops were not so liberal as to raise them to an immoderate elevation above the parochial clergy, and the prerogatives with which they were invested, arose chiefly

the cause  
of their  
opposition  
to the  
princes  
of the  
house of  
Stuart.

<sup>2</sup> Calderwood. Burnet.

<sup>3</sup> Vindication of the Government of Scotland, by sir George M'Kenzie. Skinner's Ecclesiastical History, vol. ii. chap. 43-4. The account I have given of the form of baptism being left to the choice of the parent, I have heard from persons who have been present when baptism was performed by a clergyman who professed to observe the old episcopal form, and who had been turned out of his living at the revolution. The alternative of using the cross or not, might perhaps be suggested by the moderation of the individual on those occasions.

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chiefly from their precedency in rank, and their acting as perpetual presidents or moderators in the ecclesiastical courts convened within their dioceses \*. When Charles I., prompted by weak bigotry and the furious zeal of his unworthy favourite, archbishop Laud, attempted to introduce a liturgy into the episcopal church of Scotland, he not only provoked the violent resistance of the mob; but lost the affections of many of his subjects, of the first rank, and most liberal education, in that part of the dominions †. And hence his disaffected subjects in England were encouraged to proceed, from altercation and contests, to armed violence; which terminated in the ruin of that prince, and the destruction of the established government. The aversion of the Scots to the usurpation of Cromwell, was in a great degree mitigated by religious toleration, which was the favourite maxim of his government; and if the covenanters did not obtain an exclusive indulgence, agreeable to the expectations excited by their important services and early connexion with the parliament of England, their resentment spent itself in vain murmurs and threats, while they were not molested in the profession of those doctrines, and the exercise of that worship, which they believed to be prescribed by the oracles of divine truth ‡. The fatal consequences of the father's bigotry did not curb the temerity of his son. A mean resentment of affronts he had received from the presbyterian clergy §, at a period when he had thrown himself

\* Burnet. Robertson's History of Scotland, vol. ii. p. 119. Spotsiswood, p. 502.

† Clarendon's History. Hume.

‡ Burnet.

§ Hume.

upon their protection, co-operating with mistaken apprehensions concerning the political advantages of uniformity, determined him, against the advice of Lauderdale, his principal counsellor, to suppress the favourite religion of Scotland<sup>9</sup>. Episcopacy, in a form more extended and unpopular, was established by the statute. The jurisdiction of the bishops was no longer controlled by the opinions and votes of the presbyters: they were required indeed to advise with the inferior clergy, upon the management of ecclesiastical affairs; but this apparent restriction, instead of diminishing, extended their authority, because it was left to their own choice to select from among them, such persons as they knew to be most inclined to flatter their opinions and support their measures<sup>10</sup>. The imprudence, the violence, and immoral characters of individuals, whom Charles II. invested with the mitre, revived the ancient prejudices of the common people of Scotland against their order; and excited the most obstinate resistance to the edicts of the court<sup>11</sup>. The rigorous severities, employed to enforce the laws against nonconformists, were recorded in the memories of their friends, with vindictive resolutions, and infused a horror at government into the minds of many who had been nursed in the principles of loyalty. A detail of these persecutions, though it might found the charge of weakness and obstinacy against some of the persons who suffered by them, would exhibit the most cruel scenes which blacken the page of history<sup>12</sup>. The day of reckoning at last approach-

<sup>9</sup> Burnet.

<sup>10</sup> Woodrow's History, vol. i. p. 116. Burnet.

<sup>11</sup> Woodrow. Burnet.

<sup>12</sup> Ibid.

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Productive of  
events favourable  
to the revolution.

ed. Many who fled from their native country, carried along with them unrelenting hatred to the government which had oppressed them. Some of them who took shelter in Holland, entered into concert there, with the English gentlemen who planned the revolution, and, by a constant correspondence with their friends in Scotland, fostered their disaffection, and encouraged their expectations of deliverance<sup>12</sup>. After James ascended the throne, he endeavoured, under the fair pretext of toleration, to inveigle the presbyterians, to give their countenance to measures subservient to the interests of his Roman catholic friends. He became the dupe of his own craftiness; and strengthened the hands which shook his throne in Scotland. The episcopals, offended with the liberty granted to the presbyterians, began to abate that ardour of loyalty, of which they had hitherto boasted; while the sincere affections of the presbyterians were not gained<sup>13</sup>. Both of them penetrated into the insidious scheme: but the presbyterians alone were forward and active in concurring with the revolution in England. The toleration held out to them brought home a great number of that persuasion, who had fled to Holland and the distant colonies of England, during the persecutions of the preceding reign. Far from being lulled into security by the fair professions of James, they devoted themselves, with unwearied industry, to renew and extend their connexions in Scotland; and to form such plans as might enable them to obtain a superiority over their antagonists of the episcopal church, in case of any national convul-

<sup>12</sup> Life of Carstares.

<sup>13</sup> The case of the church of Scotland, Somers' Collection, vol. xii. p. 490. Guthrie, vol. x.

sion,

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 sion, so likely to ensue from the infatuated violence of the king. The news of the arrival of the prince of Orange inspired the presbyterians with transports of joy; and tempted them to retaliate upon the episcopals those injuries, of which they themselves had justly complained<sup>14</sup>. In the western parts of Scotland they attacked the persons of the established clergy with outrageous violence; they dragged them from their pulpits; carried them about in mock processions; and finished their insults, by tearing their gowns, the harmless but hated badges of their order<sup>15</sup>. In some of the towns the Roman chapels and episcopal churches were subjected to the same promiscuous ravage. Those of the nobility and gentry, who had distinguished themselves as the patrons of the present establishment, were every where exposed to assault and danger.

The conduct of James, not only with respect to the measures he adopted, but also with respect to the persons he made choice of to carry them into execution, was the occasion of just offence to his subjects in Scotland. The persons he selected to be the instruments of his most unpopular measures, possessed not that share of prudence nor experience in business, which might have contributed to repress or to moderate the resentments which those measures excited. The most lucrative offices were conferred upon men who were secretly unaffected to the king's person; and who were warranted by him, to draw profits out of the pockets of his best friends, by exactions of a new form, and of the most oppressive tendency. As if his projects of bigotry had not been suffici-

Imprudent government of James in Scotland.

<sup>14</sup> Cunningham, vol. i. Burnet.

<sup>15</sup> The case of the episcopal clergy in Scotland. Somers' Collection, vol. xv. State Tracts, vol. iii.

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ently odious in themselves, they were rendered still more detestable, by being made subservient to the emoluments of rapacious ministers. The king had made a public declaration of his dispensing power in Scotland, by ordering all those persons who held offices, civil or military, to make a resignation of their commissions, which had been expressed in the common form, and under the condition of their submitting to the tests; and by authorising them, at the same time, to receive new commissions free from these obligations<sup>16</sup>. Many of the king's loyal subjects were, in this manner, not only subjected to an unjust repetition of the clerks fees for the renewal of their commissions, but filled with uneasy apprehensions, lest they should be exposed to severe penalties, by holding them in contradiction to the law. A more arbitrary, oppressive, and ungrateful measure of policy was exercised against others, who held their offices, by virtue of the king's warrant to dispense with the tests. They had gratified him, by a compliance which recognised his dispensing power, and the judges had unanimously given it as their opinion, that the royal warrant was a sufficient protection against any prosecution for damages; and yet these very persons were compelled, by a proclamation, to take out remissions of the penalties which they had incurred, in obedience to the king's command, and to pay for them three pounds to the secretary of state, and twenty pounds to one James Stuart, who was empowered to prosecute them, if they did not comply with this proclamation, within the space of two

<sup>16</sup> Account of the Affairs of Scotland, by the earl of Balcarras. Somers' Collection, vol. i.

months.



months. It was to the last degree mortifying to the king's friends, to observe that the person whom he employed as the instrument of oppressing them, had himself received a pardon for plotting against the government; and it was even suspected, that he made use of the confidence now reposed in him, to cover the perpetration of the same crime<sup>17</sup>. Such perverse and insatuated generosity, founded in oppression and ingratitude, estranged the hearts and the confidence of the friends of James, and converted few of his enemies. The adherents of the prince of Orange in Holland and in London, encouraged by the discontents in Scotland, communicated their designs to some of the leading men of that country. Many of the noblemen and gentlemen from Scotland, were admitted to private consultation with prince George of Denmark, and were assured by him, that the success of the prince of Orange was desired by the nearest relations of king James; and that, by contributing to it, they pursued the surest road to preferment. When all these considerations are attended to, we are not surprised to find, that, notwithstanding the ancient loyalty of Scotland, the abettors of the revolution in that country were so many; and that they kept pace with England in the ardour and success of their services.

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Progress  
of the  
revolution  
in Scot-  
land.

After the arrival of the prince of Orange, a considerable number of Scotch lords and gentlemen, who had resorted to London in consequence of the national distractions, assembled with great alacrity, at the desire of the prince of Orange, and exactly copied the proceedings of the English

<sup>17</sup> Account of the Affairs of Scotland, by the earl of Balcarras. Somers' Collection, vol. i.

lords.

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The Scots  
nobility  
in Lon-  
don ad-  
dress the  
prince of  
Orange,  
to assume  
the go-  
vernment,  
and to  
call a  
conven-  
tion, 14th  
Jan.

lords. They presented a petition to the prince, praying him to take upon him the management of public affairs, and to call a convention of the States, to advise about the final settlement of their government<sup>18</sup>. The prince, in return for this address, thanked them for the confidence reposed in him, and appointed a convention of the States of Scotland to meet at Edinburgh upon the fourteenth of March one thousand six hundred and eighty-nine.

The stability of the new government in England evidently depended, in a great measure, upon the temper and resolutions of the Scotch convention. The vicinity and warlike disposition of the Scots enabled them to disturb the peace of England as often as they were inclined to do it; but should they now thwart the measures adopted by the convention there, and recognise the sovereignty of James, there was the strongest reason to fear, that many of the English, who wavered in their affections, or who acted under the recent impression of injuries, would return to their first allegiance, and again unsettle the nation. Every precaution therefore was used by the prince of Orange, to obtain a choice of members in the convention of Scotland favourable to his interest. The expression of the summons was so guarded, as to exclude none but Roman catholics.

The pres-  
byterians  
most suc-  
cessful in  
the elec-  
tions.

The presbyterians, stimulated by resentment, were also encouraged, by the assurance of the prince's protection, to exert their influence to get their friends to be elected members of the convention. The episcopals, depressed with the fear of losing their establishment by the projected revolution of government, contended, with unequal

<sup>18</sup> This petition was subscribed by thirty lords and eighty gentlemen.

spirit and activity, for a share of the representation '9. Their interest lay, in preventing, if it had been possible, instead of promoting, a meeting to be assembled for the purpose of a revolution. Some of them objected to the lawfulness of obeying a summons from the prince of Orange, which implied a recognition of his authority. Instructions were secretly imparted to the friends of James, signifying his desire, that they might wave these scruples, and endeavour to obtain such a superiority in the convention, as would enable them to carry every vote, in opposition to the interest of the new court. But these instructions arriving too late, and necessarily published with reserve, which left their authority doubtful, the elections had been conducted with an advantage on the side of the whigs, which could not be retrieved by the adverse party. A decided majority, returned agreeably to their wishes, still farther improved their strength, and reduced the tories to a scanty minority, by the partiality of decisions upon the preliminary questions of controverted elections.

The duke of Hamilton was elected president of the convention, in preference to the marquis of Athol, by a majority of forty votes out of one hundred and fifty. This dignity was supposed to be the only effectual security for the perseverance of the former, in the principles and connexions he professed to espouse, after the arrival of the prince; while it was expected, that political prudence; and a regard to consistency of character, would restrain the latter from entering into any concert with the partisans of James. The success of the duke of Hamilton, was understood to

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\*9 Ralph. Tindal.

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be such a certain prognostic of the triumph of the whigs, in every succeeding question, that some of the members, who had resorted to the meeting in a wavering disposition, thought it prudent to enlist with the stronger party; and others, who neither chose to renounce their principles, nor adhere to them in the face of danger, withdrew into the country. The convention, however well-disposed to promote the views of the prince of Orange, had still many difficulties and dangers to encounter. The duke of Gordon, a Roman catholic, held the castle of Edinburgh in the name of king James. The viscount of Dundee, brave, enterprising, beloved by the army, a violent enemy to the presbyterians, warmly attached to the interest of James, attended the convention, and animated and encouraged the hopes and efforts of his friends. The earl of Marr, governor of Stirling Castle, had engaged on the same side. The marquis of Athol, powerful by his influence among the Highlanders, and disappointed in his competition for the precedency in the convention, was alienated from the prince of Orange, and had secretly entered into engagements with Dundee, to hold Scotland in the interest of king James. Lord Balcarras, respectable for his abilities and fidelity, was a firm friend to the absent king.

Cautious  
measures  
of the  
conven-  
tion.

The leading members of the convention, attentive to these circumstances, and not daring to confide entirely in a superior number of votes, turned their first attention towards the necessary precautions for securing their own personal safety. A proclamation was issued, ordering all persons, from sixteen to sixty, to hold themselves in readiness to take up arms. Eight hundred men, who had been raised for a guard to the city of Edinburgh, were put under the command of the earl

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earl of Leven, and sir Patrick Home was placed at the head of the militia. Both these commanders had formed a strict connexion with the prince of Orange in Holland, and returned to Scotland to promote his interest. A great number of the vassals of the duke of Hamilton, and of other noblemen upon the side of the court, were brought to Edinburgh, furnished with arms, and dispersed in different places of the city. Four regiments of foot, and one of dragoons, sent down from England under the command of general Mackay, were quartered in the neighbourhood of Leith, and Edinburgh, and entirely secured the convention from the apprehension of violence. The duke of Gordon was repeatedly required to surrender the castle of Edinburgh to the convention, and though he did not comply, yet, as he had formerly been ill used by James<sup>20</sup> and entered into a treaty about the terms of making a surrender, he did not impart that confidence which the friends of James would have derived from any other person, in their interest, who possessed such powerful means of protecting them, and of annoying their enemies<sup>21</sup>.

The duke of Gordon holds the castle of Edinburgh for James.

In this state of uncertainty, as to retaining the advantage of external force, and unable to maintain an equal contest in the convention, the partisans of James resolved to avail themselves of a commission under his hand, by which the archbishop of Glasgow, the viscount of Dundee, and lord Balcarras, were authorized to summon a convention of the States to meet at Stirling. The friends of James resolved to call a meeting of the convention at Stirling. The friends of James, in compliance with this design, were secretly advised to depart from Edinburgh at an appointed hour, lest they should be

<sup>20</sup> Guthrie's History, vol. x.

<sup>21</sup> Memoirs of Lord Viscount Dundee.

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 X. party, from complying with the purpose of this  
 1682. commission. The marquis of Athol, after hav-  
 ing approved of this measure, alarmed the suspi-  
 cion of his friends, by proposing to postpone the  
 time of their leaving Edinburgh. Dundee re-  
 ceived information of a party having conspired to  
 assassinate him; and though he gave notice of  
 this to the convention and offered strong circum-  
 stances of proof<sup>22</sup>, with a partiality approaching  
 to a participation of guilt, they refused to insti-  
 tute any inquiry against the contrivers of this bar-  
 barous design. Alarmed by the fluctuation and  
 apostasy of his friends, the injustice of the con-  
 vention, and the immediate danger to which he  
 was exposed, Dundee, without entering into any  
 farther consultation with the lords, who still pro-  
 fessed an attachment to James, fled from Edin-  
 burgh, attended with a small body of horse<sup>23</sup>.  
 His retreat furnished the majority of the conven-  
 tion with a pretext for such measures, as nearly  
 annihilated any opposition to their designs. The  
 president threatened to apprehend all those mem-  
 bers of the convention who should be found in  
 concert with Dundee: the earl of Marr, gover-  
 nor of Stirling castle, was put under an arrest;  
 and disappointed the friends of James of the pros-  
 pect of any refuge in that fortress.

Dundee  
 flies from  
 Edin-  
 burgh.

His  
 friends  
 desert the  
 conven-  
 tion.

It seems to have been the purpose of the ma-  
 jority in the convention, to drive away the friends  
 of James, rather than to proceed to open hostili-  
 ties against them. Their presence would have  
 embarrassed and retarded the measures necessary  
 for accomplishing a speedy settlement of the na-  
 tion. The unanimity of the convention, if that

<sup>22</sup> Memoirs of Lord Viscount Dundee.

<sup>23</sup> Ibid.

could be obtained, was a desirable object to William, and more likely to give success and stability to their resolutions. But unanimity, procured by the imprisonment or expulsion of all opponents, instead of answering these ends, would probably have roused the immediate resentment of their vassals in the country, and brought on a civil war in Scotland. An opportunity of withdrawing themselves was artfully afforded to the partisans of Dundee, by the president having adjourned the meeting of the convention, after he had threatened them with imprisonment. They embraced it without delay; and the next day, when a summons was issued for them to attend their duty in the convention, few of them remained in town.

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The convention was now released from every obstruction which could either retard the expedition, or mar the unanimity of their measures. They drew up a respectful answer to a letter they had received from the king of England: They approved of the address presented to him by their countrymen in London; in consequence of which he had assumed the government of Scotland, and summoned a convention of the States. They permitted a letter from king James to be read, after having entered a protestation, that nothing contained in it should tend to annul the proceedings of the convention. In order to shew their contempt of his authority, the messenger who delivered his letter was first imprisoned, and afterwards dismissed without any answer.

The convention  
addresses  
William.

The settlement of the government, and an union with England, were the important subjects recommended by the prince to the deliberation of the convention. When we consider the variety, difficulty, and importance, of the questions, involved in the plan for uniting the two kingdoms, we are rather surprised that the friends  
of

Subjects  
of deliberation in  
the convention.

CHAP. of William should have suggested a measure,

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26th  
March,Their re-  
solutions.Settle-  
ment of  
the crown;  
on Willi-  
am and  
Mary.

which, instead of confirming his power, might have been attended with unavoidable procrastination, and have given occasion to disputes and animosities, fatal to the authority he had already acquired. The few friends of James left in the convention, not ignorant of these consequences, joined with some of the whigs, to prefer the question of the union to that of the settlement of the government. The eyes of William's more discerning friends were now quickly opened. The question of the union was not again resumed, and the convention came to a resolution of appointing a committee, consisting of eight members out of each state, to prepare the new plan of settlement.

The example of the English convention abridged the deliberations and business of this committee. Their resolutions they seem to have copied, as far as circumstances would admit. They could not find, with propriety, that king James had abdicated the government in the same sense that he had done in England, for he had not withdrawn personally from Scotland; but the substance of their resolutions was the same. They found that king James had forfeited his right to the crown of Scotland. This resolution was agreed to by the convention; who next ordered the committee to bring in an act, for settling the crown upon William and Mary, and to prepare an instrument of government, to be offered with the crown, for the redress of grievances, and the security of their liberties <sup>24</sup>. An act was accordingly

<sup>24</sup> The instrument which the Scotch convention presented to the prince of Orange, along with the crown, recites multiplied instances of the misgovernment of James; after which it specifies what they claim as the ancient rights and liberties of their nation.



accordingly brought in, to this purpose, and approved of by a great majority of the convention. The earl of Argyle, sir James Montgomery, and sir John Dalrymple, were appointed as representatives of the three estates of the lords, the knights, and the burgeses, to repair to London, to offer the crown to William. Upon the eleventh of April, William and Mary were proclaimed at Edinburgh, and the act of convention was read by the duke of Hamilton, their president.

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4th April.

nation. Among these it is particularly expressed, by article 21st, "That prelacy, and superiority of an office in the church above presbyters, is, and has been, a great and unsupportable burden to this nation, and contrary to the inclinations of the generality of the people ever since the reformation; they having reformed popery by presbytery, and therefore ought to be abolished."—The reader is desired to fix this in his memory, as important to throw light upon subsequent parts of the history of Scotland in this reign.

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## C H A P. XI.

*Appointment of Ministers.---Observations.---The King's Speech in the Convention Parliament.---Reasons for turning the Convention into a Parliament.---Bill passes for that Purpose.---Observations with respect to the Revenue.---Opinions concerning the King's Right to it.---Former Abuses in the Management of the Revenue.---Resolutions with respect to it.---Vote of the Commons for indemnifying the States.---Oaths to Government.---Motions for altering them.---For exempting Protestant Dissenters from the Test.---Unsuccessful.---Indulgence, in favour of the Clergy.---agreed to by the Lords.---refused by the Commons.---Bill of Comprehension.---favoured by the Lords.---thwarted by the Commons.---Causes of the ill Success of this Bill.---Act of Toleration.---Bill of Indemnity.---The King anxious for it.---Different Plans of proceeding in this Bill.---The Whigs jealous of the King.---Obstruēt the Bill.---Act of Settlement.---Motion for naming the Dukes of Hanover in the Succession.---Effects of this Motion.---Measures of Parliament adapted to extraordinary Events.---The Habeas Corpus suspended.---The Mutiny Bill.---Supplies for Ireland.---View of the Regulations of the Revenue.---Severe Laws with respect to the Roman Catholics.---Oppressions investigated.---redressed.---Reflections.---Both Houses enter into the King's Views of War with France.---Observations.---Misunderstanding between the King and the Whigs.---The Tories flatter the King with Promises of more generous Treatment.---Jealousy of Ministers among themselves.---Engrossing Spirit of the Whigs.---A Clause introduced into the Corporation Act, intended to exclude the Tories from Power.---passes.---The King embarrassed.---dissolves the Parliament.*

CHAP. XI. **T**HE choice of a ministry, the first act of William's sovereign power, required great political discretion. It was not possible to find rewards, corresponding in number and value,

to the many candidates for his favour, and the high price at which they estimated their services. Disappointment and complaint were unavoidable consequences of the limited store of honours and emoluments, to which even royal munificence was restricted. To moderate complaints, to prevent resentful and dangerous disappointments, was the only object he could hope to obtain, by the most extensive distribution of favours; and by adjusting them, in the most equitable proportion, to the merits of the persons who were to share them.

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A proclamation, published February the seventeenth, confirmed all protestants in the possession of the offices which they held, till his majesty's further pleasure was known; and, upon the twenty-first, the list of privy-counsellors appeared in the gazette<sup>1</sup>. The treasury, admiralty, and chancery were all put into commission, in order to afford the king the means of diffusing his bounty, and rewarding, as far as his power could reach, the services conferred upon himself and the nation. The earl of Monmouth was placed at the head of the treasury; admiral Herbert at the head of the admiralty: The commissioners of the great seal were, serjeant Maynard, sir Anthony Keck, and sir William Rawlinson: The earls of Nottingham and Shrewsbury were appointed secretaries of state: The privy-seal was committed to the marquis of Halifax: The marquis of Carmarthen was made president of the council: M. Bentinck was created a peer, and appointed

Appoint-  
ment of  
ministers.

<sup>1</sup> The privy-council consisted of thirty-four members: Few of them were Tories; of which description the principal persons were, Sancroft, archbishop of Canterbury, and the earl of Nottingham. M. Bentinck was the only foreigner in the list of privy-counsellors.

CHAP. XI. groom of the stole: Mr. Hampden was made a privy-counsellor, and one of the commissioners of the treasury; and to him principally was intrusted the management of ministerial business in the house of commons. The courts in Westminster were afterwards filled, according to the recommendation of the privy council, with those persons, who had exhibited splendid professional talents, in opposing the illegal sentences and usurpations of the preceding reign; and the nation rejoiced in the prospect of a liberal interpretation of the laws, and a mild and equal administration of justice <sup>2</sup>.

Observations.

Although the candidates for office at the commencement of this reign, have been commonly arranged under the two established parties of Whig and Tory, yet in the list of offices we find the names of individuals, who cannot, with strict propriety, come under either of these denominations. Such were the king's Dutch friends, with a few of the English, who had resorted to him in Holland. In their political conduct, they were principally influenced by a personal attachment to the king, and supported those measures which were agreeable to his inclinations, and favourable to his authority. Though Keppel, Bentinck, Zulistein, Avoirquerque, had not any property or hereditary interest among the English, yet the superior confidence their master reposed in them, could not fail to attract respect and attention from the members of both houses; and to confer upon them a very considerable degree of influence, in the administration of national affairs. These may be denominated the Dutch party, or the king's friends: They were first

<sup>2</sup> Burnet, &c.

connected with the whigs, because the balance of court favour first inclined to them; but they afterwards engaged in measures opposite to the system and interest of that party, from a personal attachment to the king.

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There were also, in the lists of office, some persons concerned in the most obnoxious measures of the two preceding reigns, who never had formed any connexion with the tories, or who had deserted them, and contributed, by essential services, to the accomplishment of the revolution. The marquis of Carmarthen had elcaped from impeachment in the reign of Charles the second, by-an interposition of the prerogative, which was considered as an aggravation of his guilt. The marquis of Halifax had become unpopular, from opposing the bill of exclusion; and was suspected of giving advice to the king, to discontinue the use of parliaments. Both of them had corresponded with the prince of Orange; and the marquis of Halifax had the undisputed merit of persuading the lords to depart from their favourite scheme of the regency, which so long obstructed the settlement of the nation. While the promotion of these noblemen was considered in an invidious light by the whigs, it was not approved of by the tories<sup>3</sup>.

<sup>3</sup> It was not till after the dissolution of the first parliament of William, that the marquis of Halifax connected himself with the tories. The whigs, desirous to confound, with the rival faction, every person whose political conduct was unpopular in the preceding reigns, made unwearied attacks upon the marquis of Halifax, compelled him to retire from office, and afterwards to throw himself into the arms of their antagonists, though he had been the most successful champion in opposing the regency, desired by the tories, and in obtaining the settlement of the crown upon William, agreeably to the inclination of the whigs.

The

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The whigs held the greatest proportion of offices in the new arrangements. The early commencement of their services, and their zeal to accomplish such a settlement of affairs as coincided with the wishes of the prince of Orange, justly entitled them to a preference in the administration. The high promotion of the earl of Nottingham, who headed the tories, announced to the nation, that it was not the purpose of the king to proscribe any party, or decline the services of any individual, qualified for public trust, and willing to acknowledge his authority. But such an impartial distribution of offices, while it prevented more violent discontents, was at the same time productive of great political inconveniences. Persons associated in administration, and placed in responsible offices, being alienated from one another by former animosities, and actuated by incompatible interests, entered not into any previous concert about measures of government; and often differed publicly in opinion, when these were brought under discussion. Hence arose procrastination, inconsistency, and feebleness in the executive branches of government. A concise detail of the most important debates and resolutions of the convention parliament, will convey to the reader the most authentic information concerning the views, the struggles, and the success of different parties; and the immediate effects produced by the revolution upon the revenue, laws, and constitution, of England<sup>4</sup>.

The

<sup>4</sup> The convention parliament continued for two sessions: Upon the 20th August, 1689, it was adjourned to the 22th September, and afterwards to the 19th October. It was then prorogued to the 30th, when it entered upon business, and continued, without interruption, to the 27th January 1690.

The

The king, in his speech from the throne, after thanking both houses for the confidence reposed in him, acquainted them, that the condition of his allies abroad, and particularly that of Holland, was such, that, without some speedy care, they would run great hazard: That the posture of affairs in England required also their serious consideration; and that a good settlement at home was necessary, not only for their own peace, but for the support of the protestant interest: That the state of Ireland was such, that the dangers were grown too great to be obviated by slow methods: The most effectual ways to prevent these inconveniences, and to bring about these important ends, he left to them.

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King's  
speech in  
the con-  
vention  
parlia-  
ment,  
18th Fe-  
bruary.

Though the condition of the allies stood first in the king's speech, yet a good settlement at home was recommended as the most effectual method, both to advance their interest, and to maintain peace in England; and therefore engaged the consideration of both houses, in preference to every other subject. By a settlement at home, his majesty was understood to refer to the establishment of a revenue, in order to enable him to defend his title to the throne, and to fulfil those engagements to his allies, into which he had entered from motives of gratitude and public interest. This suggested the necessity of turning the convention into a parliament; the only constitutional method of supplying the demands of

Reasons  
for turn-  
ing the  
conven-  
tion into  
a parliament.

The reader will please observe, that, in giving an account of a parliament, the business transacted in this parliament, I have followed such an arrangement as seemed most proper to convey distinct ideas of the subject. Such a period sometimes intervened between the commencement and conclusion of the same bills, and different measures were so much coincident, and sometimes interwoven, that it was impossible to observe the strict chronological order, without obscurity.

the

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the crown. A bill for this purpose was introduced in the house of lords, read twice in one day, and sent to the lower house<sup>5</sup>; where it was evident the spirit of party, as much as the force of argument, influenced the opinion of members.

It was asserted by those who opposed this bill, that the king's writ of summons was essential to give existence to a parliament; that the want of this qualification would expose all their future proceedings to be challenged as void and illegal; that the king himself could have no security for retaining the possession of the crown, but by a confirmation of the settlement made by the convention, in a parliament, assembled with a strict adherence to every form established by law and custom<sup>6</sup>.

By those who defended the bill it was argued, that, considering how far the convention had departed from common forms, in order to bring the public business, and the settlement of the nation, to the point at which they stood, the scruples now pretended appeared frivolous and unseasonable, and certainly did not proceed from any cordial favour to the new government. If necessity was an apology for the irregularities to which they had already yielded, the same necessity still existed. The interruption of public business till the meeting of a new parliament, by affording a favourable opportunity for renewing intrigues and exciting animosities, might undo all those measures, in the accomplishing of which, so much labour and time had been spent. The ardour of the patriot might cool, if not cherished by some near object of pursuit; the combined influence of

<sup>5</sup> Journ. Lords, 18th, 19th February.

<sup>6</sup> Grey's Debates, vol. ix. p. 89.



James and of France might change the complexion of the national representatives, and stop the progress of political reformation; and though these causes might not prevail so far as to overturn the new settlement, yet they would certainly postpone and diminish the benefits arising from it.<sup>7</sup> These arguments, enforced by precedents in seasons of like emergency, preponderated with a majority of the commons, and their consent was obtained to the bill for turning the convention into a parliament.<sup>8</sup>

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Bill passes

for that

purpose.

Observations with respect to the revenue.

The most salutary change in the constitution of England at the revolution, was effected by the regulations which the commons adopted with respect to the state and management of the public revenue. The connexion between the public revenue and the temper of government, must appear an important and instructive fact, to every one who carefully peruses the history of England. Though, at an early period, the kings of England possessed a large independent revenue, arising from patrimonial demesnes, taxations, and servitudes, yet these were far from being adequate to the extraordinary expences which occurred almost in every reign. The prodigality of a court, internal convulsions, and foreign war, had often compelled the prince to own his dependence, and solicit the bounty of his subjects. The solicitations of the prince reminded the people of their own importance. Their discontents, hitherto propagated in timid whispers, assumed the bold strain of complaint and remonstrance, and dared to approach the throne of the suppliant monarch. Hence the redress of grievances came to be the stated price of liberality to the prince,

<sup>7</sup> Warrington's Works, p. 503.

<sup>8</sup> Journ Commons, 19th, 20th February.

and

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and the people wisely calculated, that any inconvenience, arising from the present diminution of their property, was abundantly compensated, by their obtaining such laws and regulations as contributed to its future security and increase<sup>9</sup>.

Recent experience recommended the utmost caution in the disposal of the revenue. The depression of their own influence, the open violation of the laws, an accumulation of grievances, against which they had not an opportunity to remonstrate while parliaments were laid aside, were mortifying evidences of the pernicious effects of their rash and irrevocable generosity to the late prince. "We may date our misery to our bounty," said a member of the house of commons. "If king Charles had not had that bounty from you, he never would have attempted the things he has done."—"I remember," said another, "when above an hundred thousand pounds was given for building of ships, and not one was built; and above two hundred thousand pounds, granted to support the triple league, was employed for breaking it<sup>10</sup>."

The reformation of the revenue, from these considerations, appeared the capital point to which the attention of every true patriot ought to be directed; and which, if it was once compassed, would ensure the redress of every remaining grievance, and the progressive improvement of the constitution. The most perfect political sagacity could not foresee what abuses or grievances might arise at any future period, but these could be only transient, if the revenue was subjected to such periodical expirations, as must necessarily

<sup>9</sup> See Appendix I.

<sup>10</sup> Grey's Debates, vol. ix. p. 125.

render the prince dependent upon the gratitude and generosity of his people. As the foundation of this system, it became expedient that the convention should explain the precise extent of the generosity they had already exercised towards the king, by putting the crown upon his head. Some of his majesty's friends were of opinion, that the act of settlement conveyed the full possession and uncontrolled disposal of the revenue annexed to the crown, at the period of king James's abdication; and it was natural to suppose, that the king himself listened with partiality to this opinion<sup>11</sup>. When it was moved in the house of commons, that the revenue had expired with the abdication of king James, great address was used to treat the question as a point of law, and to exclude those arguments of expediency, which could not fail to incline many of the members to approve of the motion, if it had been fairly open to discussion. These persons contended, that the revenue which had been conferred upon the late king, became the inherent right of the crown, and attached to his successor, without any new interference, or confirmation by parliament. Others, who professed an equal respect to the authority of law, advanced an opinion which rendered the royal income precarious, but not in the same degree dependent as if it had now expired, or been bestowed for a short or definite period. They maintained, that the revenue was subjected to the same regulations with private property; that having been granted to James, for the purpose of governing during his life, it could not be alienated from that purpose, or follow him after he had deserted his public trust;

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Opinions  
concern-  
ing the  
king's  
right to  
the re-  
venue.

<sup>11</sup> Grey's Debates, vol. ix. p. 109. 114.

**CHAP.** but that, while he lived, it belonged to the person substituted in his official state. Upon the event of the death of James, they acknowledged that the revenue would revert to the commons, and might then be regulated, both with respect to quantity and duration, as the circumstances and interests of the nation required <sup>12</sup>.

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Former abuses in the management of the revenue.

The motives for dissenting from these opinions did not arise, merely, from the apprehension of distant or imaginary abuses of a revenue exempted from the control of the people. An inquiry, instituted by the commons into the state of the revenue, and abuses in the expenditure of public money, led to discoveries which left it no longer doubtful, from what sources the former oppressions of the nation had flowed; and demonstrated the necessity of the most cautious and restricted modifications of the supplies. Immense sums of the public money had been wasted in the prosecution of grievous suits, in behalf of the crown against the subject. Forty-seven thousand eight hundred and eighty-four pounds had been paid by the privy seal to Burton and Graham, who had been employed as agents for the crown in these infamous suits <sup>13</sup>. One hundred thousand pounds had been placed to the article of secret services, in the course of the last ten years, a period in which the nation had enjoyed uninterrupted peace. After various debates, the commons found that the revenue had expired <sup>14</sup>; and

Resolutions with respect to it.

<sup>12</sup> Grey's Debates, vol. ix. p. 109. 114

<sup>13</sup> Journ. Commons, 22d February.

<sup>14</sup> This they did in effect, by voting that all those branches of the revenue, which were due in the reigns of Charles and James, should be collected for the use and service of the crown, until the 24th June 1689; as by law they might have been during either of those reigns, with a clause to indemnify such as had collected any part of the aforesaid branches since the 5th November 1688.

afterwards

afterwards agreed, that four hundred and twenty thousand pounds should be given to his majesty, by a monthly assessment, to supply the present exigencies of government. C H A P.  
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The merit of this important resolution, and the subsequent regulations of separating the civil list from the extraordinary demands of government, of appropriating the supplies, and of reviewing the application of them, are to be ascribed principally to the whigs. The Tories boasted of their opposition to these resolutions, in order to supplant their antagonists; and to insinuate themselves into the good graces of the king. William was deeply mortified with the dependence to which he was subjected, and his affections began to be estranged from a party, who appeared to have laid down a plan, to revoke or impair that dignity which their own hands had created. Merit of  
the whigs  
in these.

A spirit of parsimony less justifiable, displayed itself in the vote of the commons, with respect to the indemnification of the Dutch, for the expences they had incurred in equipping the fleet, and providing other necessaries for the prince's expedition to England. This subject had been recommended to the commons by his majesty, in his first speech after his acceptance of the crown. The delay or neglect of business, materially connected with his own honour and the gratitude of the nation, gave him sensible uneasiness; and he embraced the first opportunity, in answer to an address of both houses, again to recommend the States, in terms of the most pressing anxiety, to the protection and gratitude of his parliament. Vote of  
the commons  
for indemnifying the  
States.

<sup>15</sup> Compare speeches of whigs and Tories, Grey, vol. ix. p.

121.

<sup>16</sup> Journ. Commons, 8th March.

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Oaths to  
govern-  
ment.

The degeneracy of the constitution, and the encroachments made upon the liberty of the subject, during the two preceding reigns, were in no point of view more conspicuous, than in the abuses and alteration of those solemn religious sanctions, intended to bind more firmly upon the king and his subjects, the reciprocal duties of protection and allegiance. The coronation oath had been so changed as to weaken the idea of conditional and dependent authority, and to remove the most solemn restraint upon the consci-

<sup>17</sup> The sum voted by parliament fell 63,752l. short of the account of expences given in by the States. It is asserted by a very author, that the Dutch were overpaid, in the proportion of 400,000l. price of abdication. Somers' Collection, vol. xi.

<sup>18</sup> Tindal, vol. i. p. 384.

ence of an arbitrary monarch <sup>19</sup>. As the coronation oath was administered only once at the commencement of a reign, when the people in general are dissipated with public rejoicings, any alteration in the form or expression of that oath may be supposed, more readily to have escaped their observation and censure. The corporation oath, as it more frequently occurred, so it more expressly reminded them of the growth and usurpation of regal power. All the members of corporations were bound, by the most solemn obligation, not to take up arms against the king, or those who were commissioned by him. Thus the subject lost at every hand. The oath taken by James did not engage his conscience in support of the claims of the people, while his subjects were constrained to resign all offices of trust and emolument; unless they bound themselves to submit to every inferior delegation of tyranny.

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If the protection and security of the subject had been considered in the most liberal view, it is not easy to imagine, how any dispute should have arisen in either house, about the wording of the coronation oath; but even here the jealousy of party interfered. William was a friend to religious liberty, not merely from political considerations, but from those arguments which demonstrate the wisdom and justice of admitting it, in every state of government and society. This

Motions

for altering them.

<sup>19</sup> Tindal, vol. i p. 170. The ancient coronation oath was more full and explicit: the king was bound by it, not only to maintain the laws and protect the rights of his subjects, but to abolish pernicious laws and customs. See a copy of the coronation oath, printed in the reign of Edward VI. Blackstone's Commentaries, book i. chap. vi. The following words are particularly worthy of attention:—"Et a soun poir lez face garder et affermer que lez gentcz du peuple avant faitez et esteiz, et les malvces leyns et custumes de tout oussera."

object

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object he pursued through the whole course of his life with inflexible and ardent perseverance <sup>20</sup>. The recent danger, in which protestants of every denomination had been associated at the period of William's accession, presented the most favourable opportunity of gratifying the strong propensity of his mind, by obtaining such alterations in the laws, as might render the established church more comprehensive than it had hitherto been, the distribution of civil employments impartial, and the indulgence of dissenters as liberal, as appeared to be consistent with the safety of government. When the question of the coronation oath was introduced in the house of commons, it was moved by Mr. Hampden, that the clause which obliged the king to maintain the church of England, should be expressed, and qualified by such terms, as that it might not prevent his consenting to any alteration in forms and ceremonies approved of by parliament <sup>21</sup>. It was evident, that such a modification of the coronation oath was no less favourable to the power of parliament, than it was to the inclinations of the king, while it provided the means of removing those scruples, which divided and weakened the protestant interest at home. In vain it was urged, that the doctrines of faith, founded upon divine authority, constituted the essential part of christianity, which could admit of no alteration, and with respect to which it was agreed, that no latitude ought to be granted; that ceremonies, the invention of men, and accommodated to mutable and external circumstances, not only involved the idea of fallibility, but implied the necessity of

<sup>20</sup> See Appendix II.<sup>21</sup> Journ. Commons, 25th, 28th March.



future alterations <sup>22</sup>. The friends of the church of England and the tories were alarmed. Those, who were secretly disaffected to the king, were happy to thwart him in a favourite point. The original, unlimited expressions of the coronation oath, were adopted by both houses <sup>23</sup>, and excited a dismal foreboding of the issue of every future attempt for the extension of religious liberty.

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In consistency with this zeal for the established church, the commons resolved to maintain the same restrictions, in the new modelling of the different oaths to be imposed upon the subject. The tests required of persons who were to be admitted into public offices previous to the revolution, had respect both to their political, and religious principles; the first were ascertained by the oaths of allegiance and supremacy, the second by obedience to the test, or receiving the sacrament according to the usage of the church of England. All parties had agreed, that an alteration was requisite in the criterion of political faith. The oath, as it stood, not only bound the subject by fidelity and allegiance to the reigning prince, but exacted an opinion with respect to his exclusive title to the crown, by acknowledging him as rightful and lawful king. It was resolved, therefore, to omit this clause in the oath, which related to the quality or basis of the royal authority, now more than ever liable to be controverted, and to retain a simple engagement to faith and allegiance. The oath of supremacy, established in the reign of Elizabeth, had long been considered as a national grievance, and all parties, who had co-operated in the revolution, were virtually

For exempting protestant dissenters from the test.

<sup>22</sup> Grey's Debates, vol. ix. p. 190. 200.

<sup>23</sup> Journ. Lords and Commons, 6th and 9th April.

pledged

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1689.

18th  
March.Unsuccess-  
ful.Indul-  
gence in  
favour of  
the clergy.

pledged to abolish it. The only remaining topic of dispute referred to the religious qualifications of the persons who were to be admitted into office, namely, whether they should be subjected to the test? In this question the king had publicly taken a side, and, in a speech to both houses, had expressed his desire, that, in settling the oaths, room might be left for the admission of all protestants who were able and willing to serve him. In conformity to his desire, a clause was introduced during the dependence of this bill in the house of lords, to take away the necessity of receiving the sacrament according to the form of the church of England, as a qualification for enjoying any office of government<sup>24</sup>. This clause was rejected, under the pretext of zeal against the Roman catholics, who, it was asserted, could not be distinguished from protestants, or prevented from intruding into offices, by any other method than a specific and solemn expression of their conformity to the established church. The conduct of those who opposed the bill might, in this view, have been ascribed to motives of cautious policy, if an amendment, which obviated the difficulty, had not met with the same unfavourable treatment. It was proposed, that every person should be qualified for public office, who, within a year before or after his admission to it, received the sacrament, either in the church of England, or in any other protestant congregation. But this amendment, as well as the previous clause, was rejected by a great majority of the lords<sup>25</sup>.

Compliance with a peculiar indulgence, proposed in behalf of the clergy, made it evident, that a predominant partiality to the church, rather

<sup>24</sup> Journ. Lords, 21st March,<sup>25</sup> Ibid. 23d March.

than

than any motive of policy, influenced the resolutions of the lords with respect to the new oaths. The reception William met with from the dignified clergy, after his arrival in England, by no means corresponded with that early and spirited resistance to arbitrary power, which began the work of the revolution, and encouraged those bold measures which brought it to a conclusion. Few of the clergy of distinguished rank approved of the new settlement; most of the bishops discontinued attendance in parliament: archbishop Sancroft declined officiating at the coronation. From such expressions of their sentiments and temper, there was reason to believe, that the new oaths would be as little acceptable to them, as the test was to the dissenters. The king was anxious to avoid proceeding to extremes against a body of men whose character attracted reverence, and whose cause was ignorantly blended with the cause of religion. Gratitude seemed to justify a singular, and even perilous indulgence to those who had laid the foundations of the revolution, though they were afterwards inclined to retard and mar its superstructure. Time and forbearance might remove scruples which rendered them so backward to acknowledge the authority of the king, and reconcile them to those measures of union with their dissenting brethren which he so passionately desired. From a regard to these considerations the lords agreed to a clause in the bill, which, instead of obliging the clergy to take the oaths under the penalties of law, left it to the discretion of the king to tender them or not, as he judged expedient.<sup>26</sup>

Agreed to  
by the  
Lords.

When the bill was sent to the commons, the very considerations which moved the lords to show

Refused by  
the com-  
mons.

<sup>26</sup> Journ. Lords, 22d April. Tindal, vol. i. p. 183.

peculiar

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24th  
April.Bill of  
compre-  
hension.

peculiar favour to the clergy, were converted into arguments for withholding their assent to it. To give liberty to persons of superior station and influence to conspire against government, without any restraint from conscience, was represented to be a species of policy, infatuated rather than lenient. If no dangers were to be apprehended, from the immediate agency of those who were favoured by this indulgence, yet their examples in declining to take the oaths, might produce the most pernicious effects, by exciting scruples in the minds of the laity; and spreading disaffection to government<sup>27</sup>. The lords demanded a conference with the commons upon their rejecting this bill, but finding them irreconcilable to it, were content to obtain a concession, which afforded the king an opportunity of mixing mercy with judgment. He was empowered to reserve, for any twelve clergymen who should be deprived for refusing the oaths, a third part of their benefices during his pleasure. With this amendment the bill for the oaths and tests passed both houses, and obtained the royal assent.

Nothing more strongly evinces the desire of William to abolish religious and political distinctions, than the variety of measures he devised, in order to accomplish that end, and his perseverance in prosecution of them, notwithstanding the frequent repulses and defeats he experienced. Disappointed in his plan of raising protestant dissenters to a capacity of civil employment, his only hope was to enlarge the pale of the church, and to obtain such moderate and rational concessions from her, as might subdue the scruples of the dissenters, and allure them into her bosom. For this

<sup>27</sup> Grey's Debates, vol. ix. p. 258. Journ. Commons, 20th, 21st April.

purpose a bill of union and comprehension was introduced in the house of lords, formed upon the model of that which had been proposed to allay the heats of parties during the dependence of the bill of exclusion<sup>28</sup>. The principle of this measure was so rational and liberal, that its enemies durst not hazard any attack or objection against it, upon the foot of argument. A preliminary question however existed, before any progress could be made in this bill, and involved difficulties, which afforded but unpromising hopes of its success. Who were the judges competent to specify those concessions, which might prudently and safely be offered upon the part of the established church, for the purpose of reconciling and uniting the dissenters? An exclusion of the laity was invidious, and not only deviated from the precedents established by the reformation, but struck at the foundation of the protestant religion, which appealed to the understanding of mankind at large, as qualified to decide concerning the doctrines of faith. Nor were the clergy, if the business was committed solely to them, wedded to the faith and ceremonies of the established church, likely to consent to any liberal and effectual plan of union. Jealous of the favour of the king, many of them waited the result of this bill with a suspicious vigilance; and it was believed, that they would not have been dissatisfied, if any innovation upon forms, or any encroachment upon their authority, had furnished a pretext for making a schism in the church. Indulgent to their prejudices, the lords agreed, that the clergy alone should judge of those articles which were to be proposed as a basis of union with dissenters<sup>29</sup>.

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1689.

Favoured  
by the  
lords.

<sup>28</sup> Burnet. Journ. Lords, 11th March.

<sup>29</sup> Ibid. 4th April.

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1689.

Thwarted  
by the  
commons.

Causes of  
the ill suc-  
cess of the  
bill.

The very day the bill was sent to the commons, they resolved upon an address to the king, to be drawn up in terms which anticipated the discussion of its merits, and spread an alarm of the danger of the church. They thanked his majesty for his repeated assurances that he would maintain the church of England; and humbly prayed, that, according to the ancient practice of the kingdom, he would be pleased to summon a convocation of the clergy, to be advised with in ecclesiastical matters<sup>10</sup>.

It is to be regretted by all the friends of liberty, that a variety of causes contributed to disappoint those liberal plans of religious union, at a period, when the recent sympathy and united services of all his protestant subjects, as well as the strong desire of the king, furnished additional arguments for carrying them into execution. The tories in administration, though professing to approve of those schemes for the extension of liberty, yet, as they were not friends to toleration in their hearts, they did not support them with those strenuous efforts which might have ensured their success; and it was even suspected that they counteracted them by secret influence, while the whigs, disappointed in their scheme of engrossing administration, embraced every opportunity to shew their strength, and express their resentment against the king, by defeating such measures as proceeded from his personal inclination, however agreeable

<sup>10</sup> Journ. Commons, 9th and 13th April. In compliance with this address, the king called a convocation, which met next session of parliament, on 21st November 1689. But, in their debates upon the address, and other preliminary subjects, the lower house discovered such a spirit of bigotry, and such asperity towards dissenters, as made it evident that they never intended to promote any plan of union with them. Burnet.

to the general tenor of their own principles<sup>31</sup>. It is likewise to be observed, that the enemies to the scheme of comprehension derived additional influence, from the divisions which subsisted among the dissenters themselves. Independents, anabaptists, and more rigid presbyterians, aware that they could not come into the church upon any concessions which either parliament or the convocation were likely to vouchsafe, beheld, with an unfriendly eye, the progress of measures calculated to rend and weaken their body; and to improve the condition of others, who were now involved in the same inconveniences<sup>32</sup>. These circumstances may explain, but can never vindicate, the narrow policy of the commons, in rejecting the alterations in the

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<sup>31</sup> Ralph, vol. ii. p. 72.

<sup>32</sup> From a report concerning the proportion of the different religious sects after the revolution, it appears, that conformists were to non-conformists, as 22 $\frac{1}{2}$  to one: conformists to papists, as 178 $\frac{1}{2}$ ; and protestants to papists, as 186 $\frac{1}{2}$  Dalrymple, part ii. p. 12.

Such disproportion between the number of protestant dissenters and the members of the church, hardly appears consistent with the great influence of the former in corporations, before the surrender of charters, and the attention paid to them by king James. This is the more remarkable, as it is observed in the above report, Ibid. p. 14. that, in some of the towns, the foreign protestants, chiefly, make up the number of dissenters. It is not unreasonable to suppose, that the persons who were employed to make the calculations were interested for the church, and by no means inclined to diminish the number of its adherents; and, as the king was anxious for extending indulgence, they might perhaps under-rate the consequence of those who were the objects of it. Some of the northern counties, which contained a great proportion of dissenters, seem to have been omitted in this calculation. In drawing up the lists which were to found the reports, dissenters of subordinate station would often be arranged under the religion of the family to which they belonged. Many families of dissenters, in obscure condition, were probably altogether over-looked, and others who conformed occasionally, would be accounted complete conformists.

corporation

C H A P. corporation act, and opposing the scheme of com-  
 XI. prehension.

1689.  
 Act of to- All parties, however, had acknowledged that  
 leration. somewhat in the way of favour was due to protest-  
 tant dissenters. The persecution they had suffered,  
 during the reign of Charles the Second, furnished  
 the friends of the revolution with some of the  
 strongest objections to arbitrary government. Their  
 final rejection of the insidious indulgences pro-  
 fered by James ; their meritorious services in co-  
 operating with the church in the work of the re-  
 volution, entitled them to participate of the fruits  
 and blessings of that glorious event. The force of  
 these considerations so far prevailed upon both  
 houses, as to obtain their assent to an act for re-  
 pealing the penal laws to which the dissenters had  
 been formerly subjected<sup>33</sup>.

Bill of in- However severe the restrictions, still imposed  
 demnity. upon dissenters, might appear, they had this ad-  
 vantage, that they were defined and notified ; the  
 persons to whom they referred knew what they had  
 to hope or to fear ; and might calculate with pre-  
 cision the loss to which they were subjected, by a  
 rigid adherence to their religious principles. A  
 long series of arbitrary measures, in the course of  
 the two preceding reigns, had enlarged the lists of  
 political delinquents, who now, with painful  
 anxiety, waited the issue of a bill of indemnity ;  
 and as their numbers were considerable, and their

<sup>33</sup> Journ. Lords and Commons, 24th May. By this act the  
 penal laws were abolished, so far as related to dissenters who took  
 the oaths to the present government. Dissenters chosen to the  
 offices of constable, churchwarden, &c. who scrupled to take  
 the oaths required by law for such offices, were permitted to exe-  
 cute them by deputies. Dissenting preachers, who took the oaths  
 to government, and subscribed the articles of the church of En-  
 gland, except the 34th, 36th, and part of the 20th, were ex-  
 empted from the penalties mentioned in the several statutes of  
 Charles the Second.



connexions extensive, the question deeply affected the state of parties, and the interest of government.

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As all revolutions of government proceed from real or imaginary oppressions, and are accomplished after struggles which heighten the animosities and resentments of contending parties; so, upon the commencement of a new government, the greatest prudence is requisite, in selecting the proper objects of honour and employment, or of disgrace and punishment. Though lenity may sometimes soften hardened and inveterate offenders, yet when exercised indiscriminately, it discourages the faithful, and removes one of the most powerful checks upon the intrigues of ambitious men. It would have been unjust, as well as impolitic, to have consigned to despair all those persons in England who had been, at a distance of time, or by secondary agency, stained with political iniquity. Many of them were, in the line of office, subjected to the orders of superiors, and restrained from offering their opinion or advice, concerning those measures in which they were compelled to act. Some of them testified their disapprobation of deeds of violence which they had not power to prevent. Others had retired from office, stung with remorse for the wrong steps into which they had been seduced; and had in some measure made an atonement to the public, by their zeal and activity in the great work of national deliverance. To explore the genuine motives of actions in a period of tumult and contest; to ascertain precisely the gradations of guilt, or the merit and demerit of individuals, and to draw the line of distinction; was a task attended with manifest danger to government, and unavoidably liable to great partiality and mistake.

The

CHAP. XI. The natural inclination, and sound policy of the king, rendered him extremely anxious to obtain an indemnity upon a broad foundation, and in every view more liberal than what was approved of by those, who were first attached to his interest. For this purpose he expressed his earnest desire, by a message to both houses of parliament, to obtain an act of general pardon and indemnity, that his people might be delivered from the reproach and penalties to which many of them were liable.

1689.  
The king  
anxious  
for it.

25th  
March.

1st April. The king's message, according to form, was acknowledged with an address of thanks; yet how little the commons were disposed to comply with it, appears, both from the first steps with which they entered into the business, and the various disputes and delays which retarded its progress. Upon the report of his majesty's answer to their address of thanks, they appointed a revival of the committee empowered to inquire into the authors and advisers of grievances. A more untoward omen of the future success of the bill could not have occurred, for it was, in effect, collecting difficulties and obstructions, calculated to entangle and perplex them, in every step, towards the object of the king's recommendation. And accordingly we find, that the same difficulties which embarrassed the house on the fourteenth of May, one thousand six hundred and eighty-nine, notwithstanding many intervening debates and resolutions, were recapitulated, without any diminution, on the twenty-sixth of January, one thousand six hundred and ninety<sup>34</sup>.

Different  
plans of  
proceeding  
in this bill.

The most important question which occurred in the course of the debates on the bill of indemnity, related to the plan of regulating the exceptions;

<sup>34</sup> Compare Journ. of Commons, and Grey's Debates, vol. ix, p. 244. 538.

or drawing the line of separation between the objects of mercy and of punishment. Whether was it most expedient to begin with the exception of crimes, or of persons? In the former case, it was proposed to describe such crimes as ought, deservedly, to exclude the persons convicted of them from the benefit of the indemnity. It was easy to foresee that this plan of proceeding, though recommended by the appearance of equity and impartiality, would be productive of such a variety of future disputes, and of such delays, as must in a great measure frustrate the very purpose of the bill. Considering the various prejudices, interests, and connexions of the members, of both houses, it was not likely that they would be brought to adopt the same standard of guilt, or to agree in specifying the crimes which were to be placed beyond the reach of mercy. But supposing this difficulty to be surmounted, and the house brought to an agreement with respect to those crimes which were to be excepted, the most detestable consequences would afterwards ensue from the investigation of proof, and the application of guilt. Into what unpleasant discoveries might these unwarily betray them? The business, conducted upon this plan, would become an engine, which every party by turns might employ for the gratification of their resentments, and the ruin of their enemies. Instead of setting the hearts of his majesty's subjects at ease, it would prolong the gloomy period of suspense, propagate suspicion, and multiply the odious badges of division. It was compared to sailing in the wide ocean without a compass; and to wandering in an immense forest where no path was marked, to cheer the hope, and guide the steps, of the bewildered traveller<sup>15</sup>.

<sup>15</sup> Grey's Debates, vol. ix. Letter to a Member of Parliament, Somers' Collection.

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Such as were friends to the bill proposed, that the house should immediately proceed, to specify the names of the persons who were to be excluded from the benefit of the indemnity. There was no occasion, it was observed, to have recourse to the more tedious process of conviction by proof. Some, like Cain, carried about with them prominent features of guilt and self-condemnation. By excepting a few notorious offenders, public justice would be satisfied: ministers and their agents would be overawed, and the strength of all parties united, to repel the hostilities of France, brought home to their very doors by the invasion of Ireland<sup>36</sup>.

The whigs The jealousy of the whigs rendered them unwilling to gratify the king, by consenting to a measure, calculated to increase the number and influence of their competitors. They began to perceive, that it was necessary to have better security for maintaining their pre-eminence, in power, than the merit of their political system, or the priority of their connexion with the king. Contrary to his

<sup>36</sup> King James landed at Kinsale with about 5000 French troops, entered Dublin on the 7th May, and summoned a meeting of parliament. For the account of the proceedings of this parliament, see chap. xii.

Upon the arrival of James, most of the protestants and friends to the revolution retired to Londonderry, where they sustained a siege of three months, and exhibited examples of conduct, valour, and patient enduring of calamities, exceeded by nothing in the annals of ancient or modern nations. Admiral Herbert had the worst of an engagement with the French fleet off Bannity Bay, 30th April 1680; several merchant ships were taken by the French. The army afterwards sent to Ireland, was very ill furnished with provisions and clothing; and most of the regiments were deficient in their complement of men. These misfortunes occasioned great murmuring in the nation, and were often introduced in both houses of parliament. See Journ. Lords, 15th and 18th June. Journ. Commons, 11th and 16th November. Grey's Debates, vol. ix. p. 421. 441-6, 7, 8. 480.

generous

generous purpose, they endeavoured to pervert <sup>C H A P. XI.</sup> the bill into an instrument of publishing guilt, of multiplying political disqualifications; and reducing the number of their rivals for power. Thus, instead of proceeding directly upon the bill, they called for the reports of the several committees appointed to inquire into public grievances. The strain of debates into which the consideration of these unavoidably led them, and the resolutions founded upon them, tended every day to augment the list of exceptions. They seemed desirous, not only to debar from a capacity of employment their antagonists, who were not yet invested with it; but, by reviving political questions, which had been the occasion of great disturbances in the preceding reigns, they hoped to accomplish the dismissal and disgrace of some of those who held the principal places in the present administration<sup>37</sup>. No intercession or recommendation by the king, had any influence in moderating the temper of the commons, or promoting dispatch in this business, in which he was so deeply interested. <sup>obstruct the bill.</sup>

The act of settlement, and the bill of rights, <sup>Act of settlement.</sup> equally interesting to the king and the subject, came under the consideration of both houses, in the course of this session. No alteration or improvement was proposed, with respect to the bill of rights, the most important of these subjects; but, with regard to the act of settlement, amendments were suggested, which first opened to the illustrious house of Hanover a remote, and, as time has evinced, no illusive prospect of the crown of England. In the course of debates in the lower house, it was observed, that the safety of the protestant religion required a farther extension of the

<sup>37</sup> Journ. Commons, 29th May; 4th, 8th, 16th, and 18th June; 1st and 15th July. Grey's Debates, vol. ix. p. 224. 538.

CHAP. XI. <sup>1689.</sup> succession to the crown; and it was moved, that a clause should be introduced, to prevent the act of settlement from being hurtful to the interest of any protestant prince<sup>38</sup>. This amendment was rejected by the commons. When the bill was under the consideration of the lords, it was moved, that the duchess of Hanover should be placed in the succession after the princess Anne<sup>39</sup>. To this the house agreed, but when the bill was returned to the commons, it occasioned a keen debate<sup>40</sup>; and was rejected by the conjunction of parties, who seldom coincided in the same measures. The tories with reluctance, and in compliance with necessity, had consented to a deviation from the direct line of succession; by establishing the right of the present king and queen, and of the princess Anne; but the nomination of the duchess of Hanover, passing by other families more nearly allied to the blood royal of England, was a sacrifice which they thought no expediency required; and which seemed to erase the foundations of hereditary monarchy. With the rejection of this clause, such of the whigs, as leaned to republican principles, concurred, though they were moved to it by motives different from those which influenced the tories. The former were well pleased to believe, that by departing from the next successor, at the revolution, they had given a deep wound to monarchy; and reserved for their posterity the prospect of abolishing it, if the extinction of the families named in the bill should, in future time, render the succession ambiguous and controverted. The united influence of those two parties defeated all the arguments employed by the lords, in the course of different conferences, to persuade the commons to

Motion for  
naming the  
duchess of  
Hanover  
in the suc-  
cession.

<sup>38</sup> Ibid. p. 237.

<sup>39</sup> Journ. Lords, 25th May.

<sup>40</sup> Grey's Debates, vol. ix. p. 345. 351.

adopt their amendments <sup>41</sup>. After the birth of <sup>C H A P.</sup> the duke of Gloucester, the lords departed, without any sacrifice of dignity or consistency, from that clause which related to the duchess of Hanover; but by an amendment, which excluded papists from the succession, the prospect and claims of her family to the crown of England were promoted; and with this amendment the bill passed both houses, and obtained the royal assent.

XI.

1689.

27th July.

The introduction of the house of Hanover in the line of succession to the crown of England, may justly be considered, on account of its near and remote consequences, as one of the most memorable events which occurs in the history of this reign. By this measure, the duke of Hanover was separated from the interest of France, to which he had formerly adhered, and the strength of the grand alliance was augmented. England engaged in foreign wars with an eagerness she never could have felt, and carried her interference in foreign politics to an excess, into which she never could have run, if she had not first anticipated, and afterwards experienced the influence of this intimate connexion with a continental prince. By the prospect and contingency of the Hanoverian succession, a new influence was introduced into the political system of Eng-

Effects of  
the motion.

<sup>41</sup> Lords' Debates, vol. i. p. 385, 6. Lord Rochester, notoriously attached to the hereditary succession, managed the conference in behalf of the lords, to persuade the commons to consent to the nomination of the duchess of Hanover in the bill of succession. He had fallen under the suspicion of the king, for the part he had acted during the interregnum. Clarendon's Diary, 30th May 1690. He was anxious to recover the king's favour, by his zeal for a measure which was so much desired by him. It is worthy of observation, that, in this and other instances, the tories, both as individuals and as a party, whatever their private inclinations were, eminently contributed to promote the Hanoverian succession.

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land, which powerfully operated upon the temper, the conduct, and the interest, of every party. Estimating their security from popery as the first national blessing, the people clung with fond attachment to the succession of a family distinguished by their zeal for the protestant faith. The tendency of public measures to promote, or obstruct the act of settlement, was the standard which regulated popular opinion, and marked out for praise or censure the persons to whom they were ascribed. To this standard, whigs and tories, in opposition or in power, made the appeal for the purity of their intentions; and, in both situations, were instrumental in contriving measures which strengthened the act of settlement. But, as such measures were known to be consonant to the principles of the whigs, and inconsistent with the prejudices of the tories, the former gained credit and popularity, while the latter only blunted the edge of opposition, by their endeavours for maintaining the protestant succession. Upon the same grounds, the whigs acquired the confidence of the family, which entertained so near a prospect of the throne; and this circumstance encouraged their activity, increased their influence, and secured to them unrivalled superiority under the reign of the princes of the house of Hanover.

Measures  
of parliament  
adopted  
to extraordinary  
events.

The subjects, which have been already treated in this chapter, came under the consideration of parliament, according to design and expectation; and were essential and connected parts of the political system, suggested by the situation of the kingdom, and the condition and interest of parties, at the revolution. There were extraordinary and unforeseen occurrences, which demanded the immediate and serious deliberation of the national council, and produced important and permanent



permanent effects upon the political state of Eng- CHAP.  
land. XI.

The new government had not long existed, when events of a threatening nature endangered its stability. Several persons of distinction were apprehended, upon the strong presumption of their having entered into a conspiracy, to replace James upon the throne. A mutinous disposition had appeared in the army : One regiment resisted the king's orders to embark for Holland ; and pursued their march towards Scotland, expecting to be joined by others, equally disaffected <sup>42</sup>.

1639.

The king found himself particularly embarrassed, with respect to the proper methods of proceeding against the persons apprehended under the suspicion of conspiracy. If he should set them at liberty, his personal safety, and that of the government, must be exposed to extreme danger ; and should he either detain them in prison, or exact excessive bail, he must incur the censure of breaking the laws he came to defend. He acted with as much prudence as circumstances would admit ; and, by a message to both houses of parliament, referred himself entirely to their advice and direction. The house of lords agreed <sup>1st March.</sup> upon an address of thanks to his majesty, for taking into custody suspected persons. A bill was brought into the house of commons, for suspending the habeas corpus for the space of three months, and quickly passed through both houses. <sup>The ha-  
beas cor-  
pus sus-  
pended.</sup> Though this measure was constrained by the most glaring necessity, yet it did not escape the severest censure ; and the king was represented as having already, in the course of a few months,

<sup>42</sup> Kennet, vol. iii.

CHAP. effected a deeper encroachment upon the liberty  
 XI. of the subject, than what had been attempted  
 1689. either by Charles or by James <sup>43</sup>.

The disaffection of the army was the cause of introducing a more memorable innovation into the constitution of England. The excellence of the criminal laws of England arises from this circumstance, that, while they are sufficiently vigorous for the protection of the state, and of the rights of individuals, excess of punishment is prevented, and the established forms of trials are so fair and deliberate, that they can hardly be wrested to the destruction of the innocent, or the gratification of despotic resentment. Where no force is likely to interfere, by obstructing justice, and disturbing the order of government, small inconvenience can arise from the delay of punishment, till every circumstance is investigated, to remove even the shadow of doubt, concerning the guilt of the person upon whom it must fall. But, with respect to crimes which proceed from collective bodies of men, the public safety requires a more compendious procedure, and more severe punishment. The multitude of offenders emboldens the profligate, and produces the most outrageous and extensive mischiefs. This observation may be applied, with still greater propriety, to a class of men, who are placed in a situation, which renders their attachment to one another more firm, their combinations more easy and imperceptible, and their power more active and formidable, than that of any other rank, or body of citizens. Disaffection in an army, if it does not meet with an immediate check, must inevitably overpower all resistance, and subvert the constitution. Such are the prin-

The mutiny bill.

<sup>43</sup> Burnet.

ciples which justify the institution of martial law, and that harsh, though perhaps necessary discrimination between the military body and the civil members of the state, introduced by the mutiny bill <sup>CHAP. XI.</sup> <sup>1689.</sup> Such however is the jealousy of the legislature for the preservation of the constitution, that as the mutiny bill was at first a concession to necessity, so the same necessity, though not actually existing, is still supposed, upon every renewal of it, and its duration limited to one year.

The adherence of Ireland to the interest of James, supported by the assistance of France, called for extraordinary supplies; which, however, were granted, with such limitations as were extremely mortifying to the king; while delay, mismanagement, and ill success, in that quarter, afforded the discontented inexhaustible topics of complaint and accusation against those whom his majesty had intrusted with the direction of public affairs <sup>Supplies for Ireland.</sup> <sup>45.</sup>

The regulations adopted by this parliament, with respect to the finances, deserve to be remembered with gratitude and praise. They retrenched the redundancy, and abolished the independence of the revenue, which had proved both a temptation and a screen to tyranny, in the late reign. They calculated the expences of the military and naval establishments, in the time of peace, and modified the supplies in proportion to them. They separated the civil list from the extraordinary articles of expence, and reduced the first of them considerably below what had been enjoyed by king James. To inculcate œconomy and fide-

<sup>44</sup> Blackstone, vol. i. p. 414.

<sup>45</sup> Journ. Commons, June and July, passim.

CHAP. XI. lity in the future management of the revenue, they ordered prosecutions to be carried on against those who had been found guilty of abuse and speculation <sup>46</sup>.

1689.

Severe laws with respect to the Roman catholics,

The difficult escape of the nation from popery, and the dread of conspiracies, may be considered as an apology for many resolutions and acts against the Roman catholics, which favoured too much of a revengeful and persecuting spirit. It must still be deeply lamented, that narrow views of religion, or circumstances singularly perilous, should have thrown shades upon a period of history so brilliant, and so delightful to the liberal mind. To the honour of king William it ought to be mentioned, that he exerted his utmost influence to repress this violent temper <sup>47</sup>; and even, at the hazard of losing his popularity, refused to execute severities against Roman catholics, urged by the parliament.

Oppressions investigated.

Agreeably to the reports of their committee, the commons investigated the most notorious grievances and abuses, in the two preceding reigns. They entered into a minute examination of the agents and judges, who were instrumental in arbitrary measures, and illegal sentences. Resolutions of censure were passed against some; others were committed to prison, and prosecutions were instituted, in order to bring them to condign punishment. Arbitrary sentences were reversed, illegal attainders repealed, exorbitant fines remitted, and compensations were made to the families of those who had suffered the extreme effects of arbitrary malice <sup>48</sup>.

Redressed.

<sup>46</sup> Journ. Commons, passim.

<sup>47</sup> Appendix II.

<sup>48</sup> Journ. Lords and Commons, passim, particularly 25<sup>th</sup> February, 15<sup>th</sup> and 16<sup>th</sup> March, 1<sup>st</sup> April, 22<sup>d</sup>, 23<sup>d</sup> and 29<sup>th</sup> May. The attainders of lord Russell, Algernon Sydney, Cornish, and Alicia Lytle, were reversed: Oates was discharged from prison, and a pension settled upon him.

The reader, who wishes to be fully informed of C H A P. XI.  
the state of the nation during the two preceding 1689.  
reigns, and of that weight of oppression with Reflec-  
which it was overwhelmed, ought carefully to tions.  
peruse, not only the reports of the committee of  
grievances, but the petitions representing to par-  
liament the sufferings of individuals, occasioned  
by the unwarrantable proceedings and cruel sen-  
tences of the courts of law. Subornation of  
witnesses, packing of juries, the debarring the  
accused from the means of defence, the overbear-  
ing menaces of judges, the elaborate perversion  
of evidence, a savage sporting with calamity, ex-  
orbitant fines, cruel and arbitrary sentences, the  
severest penalties of law inflicted upon scanty  
proof, to gratify the pique or resentment of a ty-  
rannical prince <sup>49</sup>; these convey to the mind a  
more precise and affecting conception of national  
misery, than what is excited by speculating upon  
the consequences of new claims of prerogative,  
and the unconstitutional religion of the prince.  
It is unnecessary to attend the apologies for the  
neglect of forms, in order to vindicate the expe-  
diency of the revolution. Feeling quickly and  
powerfully persuades; we feel anew that irresistible  
necessity, which constrained all parties and orders  
of men, to seek for refuge and deliverance by  
whatever means it could be obtained. Indigna-  
tion, sympathy, congratulations, by turns agitate  
the mind, and establish, in the hearts of every  
well-informed citizen, a monument of gratitude  
to those illustrious patriots, who, under heaven,  
were the instruments of rescuing their contempora-  
ries and posterity from the yoke of despotism.

<sup>49</sup> Warrington. Journ. Lords and Commons, 25th October,  
12th and 19th November. Trials of Lisle, Cornish, Prideaux,  
and Devonshire.

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Many of the examples of oppression to which we have alluded, were occasioned, either by the institution of courts unknown to the constitution, or by the ordinary courts of justice having exceeded their powers, and perverted the laws, which ought to have been their rule of judging and punishing. By the bill of rights, such courts and sentences were declared to be contrary to the constitution. To extend the same equal dispensation of justice to every part of the kingdom, the court of marches in Wales, in its very constitution favourable to arbitrary power, was abolished. Courts of conscience, which had been found to afford a cheap and speedy course of obtaining justice, and highly beneficial to the commercial interest, were established in most of the considerable towns in England <sup>10</sup>.

Both  
houses enter  
into  
the king's  
views of  
war with  
France.

The unanimity and alacrity with which both houses seconded the views of the king, by entering into war with France, exhibited a striking example of the temper of the English nation, and gave birth to a system of politics, which had produced the most interesting events in the history of England since the period of the revolution. It is somewhat extraordinary, that a jealousy of the Dutch, so predominant among all parties upon every other occasion, did not shew itself, by suggesting objections to a measure principally subservient to their resentments and interests. It might also have been expected, that individuals, endowed with penetration and integrity, would have required time to deliberate maturely upon affairs of such magnitude, and that they would immediately have foreseen embarrassments, accumulation of expences, and the seeds of future contests, to be the consequences of interfering so

<sup>10</sup> Journ. Lords and Commons, *passim*.

deeply in continental interests. So far from being staggered with any of these apprehensions, they rushed with ardour into the plan of foreign war; and though often distrustful of the king, when there was no reason to withhold their confidence, they testified the fullest approbation of the alliances he had made, without examining the merits of them, and engaged to support him with their lives and fortunes in prosecution of the war against France, without specifying any particular conditions to restrain his inclinations, or limit their own generosity<sup>51</sup>.

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1689.

The conduct of parties on this occasion can be accounted for, only, by that deep and inveterate antipathy against the French, which, from an early period of history, forms a conspicuous feature in the character of the English nation. That antipathy had been increased by the restraints which fettered its exertions, even when it met with just provocation, under the reign of Charles the Second, unnaturally partial to the interests of a rival kingdom. It was inflamed to the highest pitch by a dread of the Roman catholic religion; and it now found full scope under the auspices of a monarch, whose ruling passion was the same. A deep and cordial sympathy, in this single point, first united William and the English nation, and afterwards preserved that union, notwithstanding an opposition of prejudices and humours, which often threatened its dissolution. By the volun-

<sup>51</sup> Jour. Commons, March, April, July, passim. Addresses of both houses, 24th and 25th April. War was declared against France by England, 7th May 1689. The United States had declared war against France by their manifesto, 26th October 1688, containing their reasons for assisting the prince of Orange in his expedition to England. Spain declared war against France 3d May, and the elector of Brandenburg 13th April, 1689.

CH A P. tary consent of the parliament of England, to  
 XI. enter into his foreign connexions, and to take  
 1689. the lead in the war against France, the fondest  
 wish of William was gratified. They who con-  
 demn continental connexions, and lament the  
 profusion of blood and treasure of which they  
 have been productive, ought to recollect, that  
 they were the price which England paid for the  
 revolution, and to balance their worst conse-  
 quences, they ought to set over against them, the  
 freedom, the prosperity, and the glory, which  
 were the fruits of that event.

Misunder-  
 standing  
 between  
 the king  
 and the  
 whigs.

If we had known nothing more of the history  
 of this parliament, than that it had seated Willi-  
 am upon the throne, and complied with the lead-  
 ing principles of his political system, we should  
 hardly have suspected, that it could have failed in  
 more trivial instances of obsequiousness, or that  
 he should have found it expedient, and even ne-  
 cessary, to put an end to it by a premature disso-  
 lution. But the obligations, conferred upon the  
 king by the ascendant party in the house of com-  
 mons, were too important to admit of that respect  
 and deference, which he thought necessary to  
 maintain personal dignity and independent autho-  
 rity. It is found in the private intercourse of  
 life, that nothing tends more to render individuals  
 negligent, and deficient, in the discharge of the  
 more important social duties, than any confusion or  
 ambiguity in the relations, upon which these du-  
 ties are founded. That the child owes obedience  
 to the parent, and the private citizen subjection  
 to the magistrate, are axioms of the law of na-  
 ture and of politics. But if accidental circum-  
 stances have perplexed the rules of superiority  
 and subordination, or turned the balance of obli-  
 gation against the scale in which it ought natu-  
 rally



rally to preponderate, the claims of superiority, CHAP.  
intricate and disputable, are answered with re- XI.  
luctant and reserved obedience. While the con-  
vention recognised William as their sovereign, 1689.  
it was not possible for them to forget that they  
had put the crown upon his head, or to set  
bounds to their demands for favours from a per-  
son, who owed so much to them. While the  
whigs were disappointed of that engrossing influ-  
ence in the councils of their prince, which they  
thought due to their meritorious services, they  
were not restrained by the splendour of his an-  
cient and hereditary dignity, from betraying,  
upon particular occasions, expressions of ill hu-  
mour and rudeness, which offended the feelings  
of the king, and effaced the impressions of their  
first services to him.

The whigs did well in their plan of reforming  
the revenue, by distinguishing its branches, ap-  
propriating the supplies, and reviewing the appli-  
cation of them; but, in their progress in this bu-  
siness, they sometimes adopted resolutions which  
implied a distrust and jealousy of the king. The  
sum appropriated to the civil list was not only  
penurious, considering how much it had been an-  
ticipated, but it was limited to the duration of  
one year, while a revenue of fifty thousand  
pounds per annum was assigned to the princess  
Anne for life<sup>52</sup>. In vain did the king exert his  
utmost influence with individuals, and the queen  
use the most earnest solicitations with her sister,  
to prevent, or at least to postpone a measure,  
which they considered as hurtful to the influence  
of the crown, and the union and dignity of the

<sup>52</sup> Journ. Commons, 26th March, 17th July, 9th August,  
and 30th December.

CHAP. royal family<sup>53</sup>. The measure began with the  
 XI. tories; but it could not have been carried into  
 1689. effect, if it had not been secretly assisted, and,  
 in public, but feebly opposed, by the whigs;  
 and their behaviour, in this instance, so incon-  
 sistent with their professed resolutions of œcono-  
 my, and, before they had yet settled the revenue  
 of the crown, was believed by the king, to flow  
 from a direct intention to affront and mortify  
 him<sup>54</sup>,

From these symptoms of the temper of the  
 ruling party, the king had no reason to expect  
 either liberal support, or great success, in the  
 prosecution of a foreign war, though he entered  
 into it with the approbation of his parliament.

The to-  
 ries flatter  
 the king  
 with pro-  
 mises of  
 more ge-  
 nerous  
 treatment.

Jealousy  
 of minis-  
 ters  
 among  
 them-  
 selves.

The flattering promises of the tories, made to  
 him while his mind was chagrined with the mor-  
 tification he received from the whigs, excited the  
 hope of more generous treatment, and a more  
 propitious issue of his affairs<sup>55</sup>. In the mean  
 while, the animosity of parties, and the disagree-  
 ment of the members of administration among  
 themselves, had advanced to such a crisis, as em-  
 barrassed and obstructed the progress of public  
 business. We have already seen, in the debates  
 and resolutions concerning the bill of indemnity,  
 that oblique insinuations were pointed against  
 persons who filled the highest ministerial stations.  
 These were afterwards brought forward in the  
 form of an open and direct attack, not only,  
 as might naturally have been expected, from  
 members of opposition, but from those who were  
 themselves in place. Mr. Howe, vice-chamber-

<sup>53</sup> Conduct of the Duchess of Marlborough, p. 34.

<sup>54</sup> Burnet.

<sup>55</sup> Tindal.

lain to the queen, proposed an address for removing, from his majesty's presence and counsels, such as have been impeached by parliament, and betrayed the liberties of the nation, referring to the marquis of Carmarthen, president of the council, and the marquis of Halifax, keeper of the privy seal <sup>56</sup>. The earl of Nottingham, together with the marquis of Halifax, was also pointed at by another motion, for addressing his majesty, to dismiss from office those persons who had accepted of a commission from the late king, to treat with the prince of Orange after his arrival in England. Great pains were taken to trace the misfortunes in Ireland, and particularly the abuses in the victualling-office, to the misconduct of the marquis of Halifax, to whom that department was committed <sup>57</sup>. It is hardly possible to find, in the worst of times, more virulent reflections against the prince and his ministers, or more lamentable complaints of the condition of public affairs, than what occur, at this period, in the course of the debates upon the state of the nation <sup>58</sup>. Neither did a sense of common danger reconcile ministers to each other, or promote a temporary and external union, to enable them to resist the shock of opposition under which all of them were staggering; on the contrary, they were contented to bear the smart of wounds, which, they hoped, might prove mortal to their antagonists. Carmarthen, Nottingham, Halifax, though partners in power, reciprocally animated with jealousy, were privately using their influ-

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<sup>56</sup> Tindal, vol. i. p. 377.<sup>57</sup> Journ. Lords and Commons, passim.<sup>58</sup> Grey's Debates, vol. ix. passim.

CHAP. XI. **ence to supplant each other in the confidence of the king** <sup>54</sup>.

<sup>1689.</sup>  
Engrossing  
spirit of  
the whigs.

If the whigs had been contented with a slow and gradual extinction of the influence of the rival party, they might long have held a superior share in the emoluments of office, and in the direction of public affairs, and at last would probably have attained to the exclusive property of administration. Irritated because the king consulted with the tories, and elated with the impression they had already made by their attack upon lord Halifax, who had resigned all his offices, they now pushed hostilities with increasing arrogance and violence, in order to render their victory complete and secure against any reverse of fortune. All this they hoped to accomplish, by introducing a clause in the corporation act, calculated to annihilate the political influence of their adversaries. Every person, who had any concern whatever in the surrender of charters, was declared incapable and disabled, for the space of seven years, to bear or execute any office, or place of trust, as a member of such respective body corporate, where he was a member at, or before, the time of making such surrender. This clause was carried by a great majority in the house of commons; and, what was more unexpected, it obtained the approbation of the lords <sup>60</sup>.

Clause introduced into the corporation act, intended to exclude the tories from power.

Passes.

The king was now reduced to the necessity of taking a bold and decisive step. The hopes and fears of two contending factions rested upon his resolution. They vied with each other in the diligence of their applications, and the liberality

<sup>52</sup> Reresby.

<sup>60</sup> 2d and 10th January 1690. Grey, vol. ix. p. 510. Lords' Debates, vol. i. p. 398.

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The king  
embarrassed.Dissolves  
the par-  
liament.

of their promises. But the prizes for which they contended were unequal. The one sought only the chance of power, or to preserve the capacity of being admitted to it: the other, a monopoly, or exclusive possession of it. Nor was the alternative of equal consequence to the king. The question was not, whether he should prefer one party to another, but whether he should maintain the power of a preference or a choice. If he consented to the bill, he surrendered into the hands of the whigs, one of the most important branches of his prerogative, the free election of his servants. He consulted with his confidential friends: he was perplexed and agitated: he pondered in his mind a desperate purpose. He thought of relinquishing a dignity which he found cumbersome and distressful. He at last fixed upon the resolution of dissolving the parliament<sup>61</sup>. The parliament was prorogued on the twenty-seventh of January, to the second of April: on the sixth of February it was dissolved by proclamation; and a new parliament summoned to meet on the twentieth of March, one thousand six hundred and ninety.

<sup>61</sup> Burnet. Letters of Trevor and Wharton. Dalrymple, Ap. part ii. p 80.

## APPENDIX I.

*Observations upon the Connexion between the State of the Revenue and the Temper of Government.---Progressive Improvements in raising the Supplies, tending to the Enlargement of Liberty.*

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Observations on the connexion between the state of the revenue and the temper of government.

**T**HE large revenue of the crown after the Norman conquest, arising from the great number of manors retained by William, rendered him and his immediate successors independent upon their people; and, consequently, absolute and uncontrolled in the exercise of their prerogative. After the temper, as well as the laws of the English, were completely subdued, and almost every idea of the Saxon constitution obliterated, a variety of circumstances contributed to overturn the independence of the crown; and to suggest to the barons the desire and opportunity of extending their privileges.

While the foreign dominions, derived from the conqueror, involved his descendants in perpetual wars upon the continent, the lapse of time, and a coalition with the interests and habits of the English, rendered the posterity of the Norman barons less mindful of the conditions, upon which their fathers had obtained their possessions, in England; and less zealous, about defending the rights and prerogatives of their sovereign, in a country

a country with which they themselves were nowise connected, either by affection or property.

The transfer, and subdivision of manors, rendered the claims of the crown to the military services of those who possessed them, more intricate and disputable. The commutation of military services into scutages and pecuniary aids, though at first more profitable to the prince, inspired the notion of a voluntary contribution, afterwards excited the expectation of being solicited, and, in the progress of these ideas, of making a bargain, and specifying conditions, upon which their benevolences were suspended. The parliament, upon the confirmation of the great charter by Henry III., granted him a supply; and the king issued writs to the sheriffs, to enforce the observance of the charter; but, at the same time, to show that it was a bargain, he excepted those who did not pay their supply. Hume, vol. ii. p. 9. When the same prince again demanded a supply of his parliament, he was upbraided for not having fulfilled his engagements to them, and therefore refused. As no prince was more engaged in war than Edward I., and more frequently obliged to have recourse to the bounty of his subjects, so no prince, before or since his reign, did more for the improvement of the constitution, or the advancement of liberty. The laws were new-modelled, and justice more regularly and impartially dispensed. But the most memorable political event, in the reign of Edward I., and that to which we trace every subsequent improvement, was the extending the representation of the people, by introducing a new order of men into the national council. The lesser barons, originally tenants to the greater, became independent and respectable. The boroughs, emancipated from the oppression of the barons,

by

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by regal charters, began to draw some share of the wealth of the nation to themselves, by the culture of manufactures and commerce. From their prosperity Edward derived new sources of supply. He invited them to attend in the great council of the nation; and, by the honour and consequence he conferred upon them, allured them to contribute to the increase of the revenue. Hume, vol. ii. p. 89, 90, &c. Hurd's Dialogues, vol. ii. p. 160.

Progressive improvements of raising the revenue, tending to the enlargement of liberty.

The history of the revenue exhibits a view of the progressive civilization and liberty of the people of England. The commutation of feudal, military services into money, or tax, was the consequence of increasing wealth; and contributed to the common advantage of king and people. The money, which the king received, procured a warlike force, superior in discipline and strength to what he could have drawn, from the muster and services of his military tenants. Security from the avocations and interruptions of war encouraged industry and application to manufactures and trade, which, in progress of time, promoted a more rapid circulation, and more general diffusion of wealth. Their wealth, arising from commerce, arts, and the subdivision of property, raised to consequence a body of men, who before had hardly been deemed worthy of the notice and protection of the sovereign. The commons, invited to the council, and invested with power and privileges, in return, contributed in large proportion to the wants of the crown, and the services of the public.

There are some important changes, with respect to the public revenue, which have happened at different periods, and which are particularly deserving of attention, on account of their influence



fluence upon the constitution of the government, and the manners of the people in England. CHAP. XI.

Henry II., finding the inconveniencies of the feudal institutions in the time of a foreign war, imposed a duty or scutage for each knight's fee, upon the estates of those prelates who were bound to military services. This example was followed by his successors: scutages were afterwards extended and more frequently repeated, till military services were entirely discontinued. Sir John Sinclair's History of the Revenue, vol. i. p. 54. APPENDIX.

A second important revolution, in the revenue and constitution of England, was effected by the measure of Edward I., already referred to, viz. his summoning with the lesser barons, the deputies of towns and boroughs, to attend upon parliament, and to contribute voluntarily to the exigencies of the state. This was a great example, at an early period, of the connexion between taxation and representation; and though often violated by the arbitrary exactions of his successors, yet the precedent was remembered and urged by the commons, as their undoubted right, as often as the weakness or necessity of the crown afforded them a propitious opportunity of bringing it forward. Ibid. p. 70.

The third important alteration, with respect to the revenue, happened at the restoration, and consisted in the abolition of the feudal rights, still reserved to the crown. A perpetual excise upon ale, beer, &c. was given to it, instead of the incidents of wardship, marriage, livery, purveyance. This gave the last blow to feudal oppression, and contributed in an eminent degree to the liberty and relief of the subject. At the same period, all arbitrary exaction of taxes was declared illegal, and abolished. Ibid. p. 186.

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In this state of things, the subject had attained to a very considerable degree of influence, and the income of the crown became more dependent, and, at the same time, less precarious. Some part of the revenue, namely the excise, was made hereditary; the customs, tunnage, and poundage, were also bestowed for the king's life. That part of the revenue which was hereditary, and given in commutation for the ancient property of the crown, was now drawn from fixed and stated sources; and delivered the crown from the great inconveniences which attended a revenue subjected to casualties, such as, livery, wards, &c. and delivered the people also from the weight of oppression, of which the feudal prerogatives were productive.

Upon greater emergencies, which gave occasion to extraordinary demands, the crown, at all times, had resorted to the bounty or free supply of the subjects who possessed property. But still, in these instances, the power of the subjects consisted, rather in a previous, than subsequent control. They might refuse money in the first instance; but when they had once granted it, they had little power or influence in directing the expenditure of it. It was, however, thought ungenerous to withhold supply, when it was demanded by the crown, upon a plausible pretext or urgent occasion. Thus, after Charles had obtained grants for public services, he often mispent, or alienated the money. Large sums were bestowed in pensions to members of the commons, to retain them in the interest of the crown. Inquiries were instituted by the parliament, to discover these abuses; and to chastise those persons who were the authors or abettors of them. And, because these inquiries were eluded and defeated, future supplies were denied, even in instances where

where the house of commons seemed bound in honour to grant them; as particularly, after they had prompted the king to enter into war with France in the year one thousand six hundred and seventy-eight. It remained at the revolution, to advance one step farther in the power of interfering with, or regulating, the public revenue, viz. not only to grant it, but to apply it; or to specify the particular articles of expenditure. Nothing further appears necessary to maintain liberty and the public welfare. If abuses are still committed, if the extravagance and peculation of ministers, and those whom they employ, render the public burdens enormous and oppressive, the defect is not in the constitution, but in the integrity, courage, and ability, of those who are appointed to be its guardians, and intrusted with the execution of the laws.

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## APPENDIX II.

*King William vindicated from the Charge of Bigotry.—  
Evidences and Examples of his steady Zeal for Liberty and  
Conscience.*

CHAP. "THE king," says Mr. Macpherson,  
XI. "seemed to fall into the weakness of his  
APPEN- "predecessor, in encouraging dissenters against  
DIX. "the established church. The prejudices of  
King James, in favour of the Papists, were almost  
William "equalled by those of William for the Calvi-  
vindicated "nists." Macpherson's History, vol. i. chap.  
from the "9. Of the comprehension bill the same author  
charge of "says, "His predecessor, in all his frantic  
bigotry. "schemes of religion, could not have proposed a  
"more impolitic measure. The conduct of  
"William was compared with disadvantage to  
"the indiscriminate tolerance of James, as  
"more ought to be expected from the former  
"than from the latter." Ibid.

These expressions amount to a direct charge against William; that he was infected with bigotry, or an unreasonable partiality to Calvinism, and that the measures which he was prompted, through the influence of those prejudices, to pursue, were inconsistent with wise policy.

There

here is not, in the whole history of William, a single action that favours of bigotry, or wild attachment to any particular form of worship, or of religious opinions; while there are many evidences of his moderation as a protestant, his indulgence towards Roman catholics, and his consistency and perseverance as a friend to toleration.

When king James solicited his consent to the repeal of the tests, he declared it to be his opinion,

Roman catholics ought to be permitted the exercise of their religion, but excluded from offices of public trust. Burnet.

Upon his first approach to London, he gave strict orders to take care of the papists, and to restrain them from all violence. When he arrived there, he renewed the same orders. Ibid.

After his accession to the throne of England, William uniformly discovered an anxiety to exclude indulgence to all different sects, which afforded the pretext or colour of conscience. While he earnestly wished to admit moderate dissenters into the body of the church, he exhibited an example of disinterested, perhaps impolitic policy, by endeavouring to obtain an exemption from the oath of allegiance for such members of the established church, as deemed the oath irreconcilable with their engagements to the abdicated king. He repeatedly disappointed the expectations, and checked the zeal, of his best affected subjects among the protestants, by opposing harsh measures towards the Roman catholics, which could not be carried into effect without their consent. The lords presented an address to king, the twenty-fifth of June one thousand six hundred and eighty-nine, praying him to prohibit French protestants from coming to Whitehall or St. James's park, and to order all French papists,

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Evidences of his steady zeal for liberty of conscience.

CHAP. XI. papists, who were not householders, to leave the kingdom. To this the king replied, That, after deliberation, he found it would be hurtful to the nation to comply with this recommendation, and that as he had promised to protect Roman catholics while they lived peaceably, he thought fit to suspend such a proclamation till their lordships had farther considered it.

Many of the Roman catholics acknowledged with gratitude the moderation and tenderness of William's government.

But it may be asked, Why did he change the established religion in Scotland; and did not the abolition of episcopacy, and the institution of presbytery there, bear the evidence of a strong partiality to the latter? I answer, That this was a matter in which he had no choice. The abolishing prelacy in Scotland was just as much a condition of his reigning there, as the abolishing the ecclesiastical commission, and consenting to all the other articles of the bill of rights, were the conditions of his reigning in England. The political sentiments of the clergy, and of the members of the episcopal church of Scotland, and the part they acted at the revolution, fixed an unalterable opposition between their interest and that of the prince of Orange, and, upon the event of his success, ensured the superiority to the presbyterians. The bishops, clergy, and universities, in England, remonstrated against the arbitrary measures of James; and, though some of them afterwards retracted, or did not proceed consistently and vigorously, yet the church unquestionably had the merit of the first steps in that revolution which raised William to the throne. On the contrary, the episcopal clergy, in Scotland, became accessory to the arbitrary measures

of James, by approving of them, and devoting themselves, in the most servile terms, to honour and support him, while he was in the career of enthusiasm. See *Addreses of the Bishops and Clergy of Scotland*, Temp. Jac. Balcarras's *Memoirs*.

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In England, protestants of all denominations concurred in the revolution, and were equally entitled to the protection and immunities which were the fruits of it. In Scotland, not only the clergy, but laity, were divided in their sentiments concerning the revolution, according to their religious principles. The presbyterians declared for the prince of Orange; the episcopals adhered to king James. Dundee and his followers were all of the latter persuasion. The establishment of presbytery in Scotland was therefore a necessary result of the state of politics, and no evidence of any bigotted predilection in William for that religion. He highly disapproved of the violent proceedings of the presbyterians, and used his utmost influence to restrain them. He seemed particularly anxious to prevent the dismissal of the episcopal clergy who were willing to take the oaths, though they scrupled to adopt the forms of the presbyterian worship. *Life of Carstares*, p. 43, 44, 45. He desired, that such episcopals as did not yield to the presbyterian government, might have the same indulgence in Scotland, that the presbyterians enjoyed in England. *Ibid.* p. 49.

When the original draught for the settlement of presbytery in Scotland was sent to William, after deliberating and conversing with Mr. Carstares upon this subject, he dictated some remarks to be returned to the commons, which equally evince a solid judgment and a pure and delicate conscience; particularly, instead of the ratification

CHAP. tion of presbyterian government, as being the  
 XI. *only government of Christ's church* in this kingdom,  
 APPEN- he desired that it might be qualified with the ad-  
 DIX. ditional clause *as established by law*. Ibid. He  
 expressed great dissatisfaction with the conduct of  
 lord Melvill, his commissioner, in the Scottish  
 parliament, for having exceeded his powers, from  
 a desire to gratify the violence of the presbye-  
 rians. Tindal, vol. i. p. 473. See chap. xviii.

When the act for repealing the laws in favour  
 of episcopacy was passed, it was declared, that  
 episcopacy was contrary to the genius and consti-  
 tution of the church of Scotland, for the king  
 would not consent to a plain and simple condemna-  
 tion of that religion. Burnet.

A remarkable example of William's abhor-  
 rence of persecution, and of his delicacy with  
 respect to matters of conscience, appeared upon  
 the coronation oath from Scotland being tendered  
 to him. When he came to repeat the clause in  
 the oath, by which he was bound to root out he-  
 retics, he desired it might be understood, that he  
 did not mean by these words, that he was under  
 any obligation to become a persecutor. The com-  
 missioners answered, that the meaning of the  
 oath did not import it. He replied, that in  
 that sense only he took the oath. Kennet.

If William really had any propensity to favour  
 protestant dissenters, more than the church of  
 England, he had the fairest opportunity of doing  
 it, by consenting to the corporation act as mo-  
 delled by the whigs, which would have greatly in-  
 creased the political influence of the presbyteri-  
 ans; and yet, rather than consent to this, he  
 chose to dissolve his parliament.

When any person of private station shews him-  
 self to be a friend to toleration, he is often con-  
 sidered as a friend also to the sect, or opinions,  
 which



which stand in need of it. Vulgar minds, which know not what it is to esteem or to love any thing, out of the narrow circle of their own party, cannot separate the ideas of tolerance and approbation; whereas lenity and forbearance are consistent with a very low estimation of the understanding and principles of the persons, towards whom they are exercised.

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But admitting that these observations acquit William of the charge of bigotry, do they not still arraign the wisdom of his policy? Was his scheme of comprehension practicable, and expedient? Did not the attempt expose him to suspicion and censure, and alienate the affections of some of his most powerful friends in the church of England? Clarendon's Diary, passim. Publications in Somers' Collection.

If ever a plan, for the union and comprehension of moderate dissenters with the church of England, could have been attempted with any probable view of success, it must have been at the period of the revolution. Men are never so likely to discern the infatuation of those prejudices which alienate them from their fellow-citizens, as when a participation of common dangers and deliverances has inspired them with a deep sense of the important bonds of connexion, by which they are intimately and essentially united. If ever there is a season, when persons in possession of power may be expected to make concessions to a party which they have been accustomed to consider as their rivals, it must be, when recent experience has convinced them, that the assistance and services of that party are indispensable to the permanent security of their own private interests and pre-eminence. In these views, the revolution presented the opportunity for a scheme of union  
and

CHAP. and comprehension, which must evidently have  
 XI. contributed to political harmony, and the increase  
 APPEN- of national power. The clergy of the church of  
 DIX. England were themselves so far influenced by  
 ~~~~~ these considerations, that they had, previous to  
 the revolution, proposed a plan of union; and  
 some of their most eminent members were em-  
 ployed in preparing concessions for reconciling  
 and uniting moderate dissenters. Oldmixon.

If the scheme of comprehension was not ap-  
 parently impracticable, was it liable to any ob-  
 jection upon the score of justice, or sound policy?  
 Justice and sound policy are, it is to be hoped,  
 inseparably united; and the more exactly mea-  
 sures of government are conformed to the max-  
 ims of justice, the more effectually will nati-  
 onal welfare, and all the purposes of sound  
 policy, which refer to that grand object, be  
 promoted.

Is it not unjust and tyrannical, to lay men  
 under political disadvantages, when they cannot  
 be charged with any political guilt? Does not  
 every measure tending to this effect, deduce  
 somewhat from the aggregate of national strength?  
 Is not the summit of political perfection ob-  
 tained, when the members of the community,  
 of every description, stand precisely upon the  
 same footing, with respect to immunities, the  
 dispensation of justice, and the capacity of ho-  
 nour and employment?

As it has been found, that the protestant re-  
 ligion, in general, has been most favourable to  
 the progress of civilization and the extension of  
 liberty, so it has been also found, that these  
 effects are most perfect and conspicuous, where  
 the spirit and rules of protestant churches have  
 been

been most tolerant and liberal. The ardour and CHAP.  
perseverance, with which William prosecuted a XI.  
relaxation of the tests, and the bill of compre- APPEN-  
hension, so far from deserving to be branded DIX.  
with the censure of narrowness and bigotry, are  
illustrious evidences of that wisdom and libera-  
lity which reflect the highest honour upon the  
human character.

## C H A P. XII.

*The King censured for having dissolved the Convention Parliament.—Commissions of the Militia changed in favour of the Tories.—Many Whigs continue in Office.—The Tories most successful in the Elections.—Second Parliament of William meets.—Debates concerning the Settlement of the Revenue.—Resolutions.—Observations.—A Bill for ratifying the Acts of the Convention, and for acknowledging the Titles of the King and Queen, introduced by the Whigs—carried.—Bills, for abjuring King James—for securing the Government—for restoring the Charter of London—The last opposed by the Whigs—passes both Houses.—The Tories obtain a Vote of Thanks to the King, for having changed the Militia.—The Lords institute an Inquiry concerning the Characters of the Officers appointed to Commissions in the Militia.—Bill for exacting the Forfeitures from those who had accepted Commissions without the legal Qualifications.—Act of Grace.—State of Ireland.—Duplicity of Tyrconnel.—The Protestants alarmed.—James lands in Ireland.—The Parliament meets there.—Acts of Settlement and Explanation repealed.—Oppressive Consequences of the Repeal.—Act for indemnifying the Proprietors to be restored by it.—Act of Forfeiture.—Acts fatal to the Protestant Clergy.—Violent Proceedings against the Protestants.---Effect of the Government of James in Ireland upon the Minds of the English.---Marshal Schomberg sent to Ireland---William goes there---gains a complete Victory.*

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1690.  
The king  
censured  
for having  
dissolved  
the con-

**T**HE dissolution of the convention parliament, which had been the instrument of the revolution, weakened the influence of the whigs, and was censured as an evidence of the imprudence, as much as of the ingratitude, of the

the king. The premature death of the parent proves more deeply calamitous to the child, when left in indigence, involved in litigation, and threatened with the oppression of a powerful, interfering interest. What but the continued affection and fostering care of that party, which had put royal power into the hands of William, could defend it against the malignity of internal faction, and the violent attacks of foreign hostility.

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1690.

vention  
parlia-  
ment.

The king, unwilling to give an open and a decided preference to any party, retained at least an equal number of the whigs in the offices of administration<sup>1</sup>. In a new commission of the militia of London, the tories were preferred, almost to the entire exclusion of their antagonists: but this measure was considered as affecting parties in their religious, rather than in their civil, interests. The commissions in the militia, under the influence of those who first advised the king, had been given to many of the dissenters; and this was complained of by the friends of the church, as a mortifying evidence of his distrust of their fidelity, and of his partiality to their rivals. To appease their discontents, and to conciliate the favour of the tories, upon whose support he was now to throw himself, he had found it necessary, during the interval of parliament, to change the lieutenancy of the militia in London. That the church might have full satisfaction, he referred

Commis-  
sions of  
the mili-  
tia chang-  
ed in fa-  
vour of  
the tories.

<sup>1</sup> Warrington's Impartial Inquiry.

<sup>2</sup> Two days before the parliament met, lords Monmouth, Warrington, and sir H. Capel, were dismissed from the treasury; over which sir John Lowther, a tory, was appointed to preside. Mr. Hampden, a whig, was continued in the treasury, and made chancellor of the exchequer. Sir Stephen Fox and Mr. Thomas Pelham, were brought into the board of treasury: the earl of Pembroke was made first lord of the admiralty, in room of lord Torrington.

CHAP. the new appointments to Compton, bishop of  
 XII. London; who, in the spirit of retribution,  
 1690. turned out the dissenters, and placed in their  
 room the most zealous tories <sup>1</sup>.

Many  
 whigs  
 continue  
 in office.

The whigs, however much dissatisfied with the dissolution of parliament, did not choose to express their resentment by resigning the places still left in their possession. Regardless, perhaps, of emolument, they might expect to avail themselves of the influence of office for re-establishing their party; or, moved by more liberal principles, they might think it dangerous to abandon the new government, entirely, to the management of persons, whose principles were suspected of being unfriendly to its spirit and constitution.

Whatever the sentiments and wishes of the king might be, it was evident, that superior influence in parliament must of necessity ascertain the strength of contending parties, and determine the choice of his ministers. In the contests for elections, both parties deviated from a due respect to candour and truth, by putting the hardest construction upon the measures and conduct of their opponents. The members who had voted for the corporation bill, were represented as friendly to republican principles, and bent on the ruin of the church. The whigs retaliated, by insinuating that the tories were enemies in their hearts to the revolution; and, in confirmation of this charge, published lists of those members who had voted against the resolution of the commons with respect to the abdication of the crown <sup>2</sup>.

The to-  
 ries most  
 successful  
 in the  
 elections.

The tories not only prevailed, in procuring a majority of members from the counties where

<sup>1</sup> Burnet, 1690.

<sup>2</sup> Ralph, vol. ii. p. 190.

their

their natural strength lay, but, stimulated by re-  
sentment at the affront levelled against them by  
the corporation bill, made successful efforts in  
many of the boroughs; where their antagonists  
had intended to exclude them from any capacity  
of influence <sup>5</sup>.

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The new parliament met on the twentieth of  
March, one thousand six hundred and ninety.  
The choice of Sir John Trevor to be their speaker,  
indicated the superior strength of the tories, in  
the house of commons <sup>6</sup>. The king declared his  
intention of going to Ireland, and solicited the  
assistance of parliament to enable him to prose-  
cute the war with vigour. He mentioned the im-  
portance of making the revenue a fund of credit,  
in order to raise the supplies more expeditiously.  
His ineffectual endeavours, for obtaining an act  
of indemnity in the last parliament, were assigned  
as the reason for an act of grace, to extinguish  
all differences among his subjects.

Second  
parlia-  
ment of  
William  
meets.

Addresses were presented by both houses, con-  
taining expressions of their thanks for his ma-  
jesty's speech, and of their resolutions to support  
the government; and, agreeably to the tenor of  
his request, the commons entered upon the busi-  
ness of the revenue and supply <sup>7</sup>.

Sir John Lowther introduced into the house of  
commons a motion for settling the revenue upon  
the king and queen for life, in the same manner as  
it had been granted to their predecessors <sup>8</sup>. The

Debates  
concern-  
ing the  
settlement  
of the  
revenue.

<sup>5</sup> Burnet, 1690.

<sup>6</sup> "Being a tory in principle, he undertook to manage that  
party, provided he might be furnished with such sums of mo-  
ney as might purchase some votes; and by him began the  
practice of buying off men, in which the king hitherto kept  
"stricter rules." Burnet.

<sup>7</sup> Journ. Commons, 22d and 26th March.

<sup>8</sup> Grey's Debates, vol. x. p. 8.

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convention parliament had found that the revenue expired with the abdication of the king; the motion now made was therefore supported by arguments drawn from expediency, and the personal merits of the king. The revenue was a reward which the nation was bound, by irresistible obligations, to confer upon a prince, who had rescued them from the brink of ruin, and who was about to engage in a new scene of labour and danger, to extend the benefits of reformed government to the sister kingdom. The reputation of England, in the eyes of Europe, was intimately connected with the issue of this question. What foreign state would either esteem the character, or confide in the alliance, of a people, who requited such a benefactor with distrust and ingratitude ?

In the discussion of this question, the whigs resumed the arguments which had been insisted upon in the convention parliament; and, in answer to those, who laid so much stress upon the services and virtues of the prince now upon the throne, it was observed, that these were foreign to the question, and tended to mislead judgment by the influence of affection. Secure themselves from danger, it became them, in the most enlarged spirit of patriotism, to erect bulwarks for the liberties of posterity, and, in the reign of a mild and generous prince, to establish regulations which would control the will of wicked and tyrannical successors<sup>9</sup>.

We are not, however, to conclude, that the sentiments and votes of the members, in the house of commons, upon this question, were exactly divided according to the influence of

<sup>9</sup> Grey's Debates, vol. x. p. 8.

<sup>10</sup> Ibid.



party. Though the system of the tories was more  
favourable to prerogative, which was either to  
gain, or to lose, by the issue of the contest, and  
though some of the leaders of that party had re-  
commended themselves to the king by the libera-  
lity of their promises, yet there were others,  
who, impressed by the weight of argument,  
thought it of the greatest importance to hold the  
crown in a state of dependence upon the people;  
and among the whigs, a few, personally attached  
to the king, and implicitly adopting his senti-  
ments and views, separated themselves from  
their friends, who, upon systematic ground,  
contended for restrictions in the disposal of the  
public revenue ' ' .

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After the debate had run out into a consider-  
able length in a general strain, it was with pro-  
priety reduced to order and precision, by distin-  
guishing between the established revenue and the  
occasional supply, and was brought to a conclu-  
sion which seemed to be founded upon equity,  
and which provided sufficiently for the support  
of the royal dignity, without establishing such  
independence, as might render the sovereign in-  
different to the opinions and affections of his sub-  
jects. The principal branches of the excise,  
which had been conferred upon Charles the Se-  
cond in lieu of his hereditary revenue, were  
settled upon king William. The customs were  
continued to him for four years, with a clause to  
make them a security for the raising of money  
towards a supply; and because the revenue had  
been formerly subjected to heavy anticipations by  
the royal grants, it was now enacted, that all  
future anticipations of the funds should expire at  
the death of the prince who bestowed them. A

Resolu-  
tions.

<sup>11</sup> Burnet, 1690.

CHAP. supply of one million two hundred thousand  
XII. pounds was granted to his majesty, for public oc-  
currences between that time and Michaelmas <sup>12</sup>.

1690.

Observa-  
tions.

These were the only public measures in which the distinction of parties was less obvious and regular. Other subjects of debate, in both houses, though often important to national interest, were evidently blended with the views of parties, and the issue of them afforded an exact criterion of their comparative strength, and of their various success. Accommodated to their peculiar circumstances, were the different plans and weapons with which they waged their political warfare. The whigs, inferior in numbers, and declining in the favour of the court, relied chiefly upon the fortune of incidents, and endeavoured, by stratagem or surprise, to turn their enemies out of the strong holds of power: the tories, confiding in the strength of numbers, and elated with recent victory, openly proclaimed the attacks which they intended, and seemed to wish, not only to conquer, but to affront and humble their antagonists. Thus the whigs, under the cover of zeal for the new settlement, introduced such bills into parliament, as reduced their opponents to the necessity, either of contradicting the principles they had formerly maintained, or of defending them at the hazard of losing the favour of the court. The latter, irritated by attacks from which they did not escape unhurt, availed themselves of their superiority to carry many resolutions and votes, evidently contrived to mortify their opponents. These observations will be illustrated, by examples of the most re-

<sup>12</sup> Journ. Commons, 26th, 7th, 8th, 9th, and 31st March, 2d and 3d April.

markable debates and measures which occurred in the course of this session of parliament. C H A P. XII.

As the changing the convention into a parliament, however necessary, was carried with difficulty, it must naturally have occurred to the friends of the revolution, that the ratification of that measure, by a parliament regularly constituted, would be of the greatest consequence to prevent future disputes concerning its propriety, and to strengthen the present establishment. The whigs contrived, with great address, to interweave with this motion another which was less palatable to the tories, while it seemed to be recommended by a regard to the personal safety and honour of the king. A bill was brought into the house of lords for acknowledging their majesties rightful and lawful sovereigns of these realms, and for declaring all the acts of the last parliament to be good and valid<sup>13</sup>. The abdication of the late king voted by the commons, and the admission of the prince of Orange to the throne, independently of the right of his wife, were measures repugnant to the principles of the tories. They had taken care, however, to guard against exclusion from office, by professing such practical maxims as counteracted the poison of their political theory; for they had declared, that they would obey and serve king William, after he was seated upon the throne, with as much fidelity, as if his title had been established upon the sound foundation of hereditary succession. But now they were again challenged to enter into the field of political controversy, and to render an account of their principles to the public. A recantation of them must wound their pride, and

1690.  
A bill for  
ratifying  
the acts of  
the con-  
vention,  
and for  
acknow-  
ledging  
the titles  
of the  
king and  
queen,  
intro-  
duced by  
the whigs.

<sup>13</sup> Journ. Lords, 5th April.

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1690.

carried.

Bill for  
abjuring  
king  
James,

shake their credit for integrity; adherence to them might offend the king, and seemed indeed to disqualify them for future trust and services. From the difficulty of this dilemma the tories endeavoured to escape, by passing over, or by slightly opposing, the first clause of the bill which regarded the king's title, and by directing the whole force of their opposition against that part of it which established the validity of the acts of the convention parliament. They contended, that it was more expedient to acquiesce silently in what had been already done, than to confer superfluous authority upon measures which deviated from the common forms of the constitution<sup>14</sup>. The danger evidently arising from any hints of suspicion concerning the lawfulness of an assembly, on whose authority the most important transactions rested, together with the personal influence of the crown, which, in this question, was exerted on the side of the whigs, prevailed against the inclinations of the party in power, and it was carried in the affirmative. The tories did not venture to incur the hazard of a second defeat, by debating upon the merits of this bill in the house of commons. It was read twice on the day of its being presented, and it was agreed, that it should be read a third time the next day, after which, it passed<sup>15</sup>.

The whigs were neither so well founded, nor so powerful, in another attempt to expose the principles, and thereby to weaken the influence, of their opponents. The rumour of conspiracies, and the approaching absence of the king, afforded specious arguments for exacting the

<sup>14</sup> Ralph, vol. ii. Lords' Debates, vol. i.

<sup>15</sup> Joura. Commons, 9th April.

strictest tests of loyalty. For this purpose, a bill was introduced in the lower house, requiring all persons in office to take an oath abjuring king James. Upon this occasion, the tories triumphed no less in force of argument, than in superiority of numbers. They contended, that the bill of rights, the richest boon of the new government, had placed an insurmountable barrier against any change in the oaths; that the duties of the king on the one hand, and those of the subject on the other, were reciprocally stipulated, and the oaths, binding to the performance of them, expressed with precision. The consent of the subject to the translation of the crown was yielded, upon the assurance, that the oaths, as they were then fixed, were to remain the only legal tests of attachment to the present king, and of being qualified to hold offices under him. The enlargement of the contract on one side, certainly required a corresponding alteration of the conditions agreed to on the other, and might amount to a total change of the constitution. What advantage could the government acquire by the oath of abjuration, that it did not already derive from the oath of allegiance; or what dangers were now impending over the nation, which could be either prevented or alleviated by any oath the most jealous policy could invent? If, after having sworn allegiance to William, any person could reconcile it to conscience to give aid to king James, it was not to be imagined that he would be excluded from office by scruples about abjuring his right. But there were many, who, having once sworn fidelity to the prince upon the throne, would serve him with zeal, while, at the same time, they cherished such a refined sense of probity, that it was impossible they could ever be tempted, by any consideration of interest or danger, to swear  
to

CHAP.  
XII.

1690.

to an opinion which they did not admit with the clearest apprehension, and with the full conviction of the understanding. Such persons, stigmatized and proscribed by the present government, would be under strong temptations to conspire against it, while they resigned their offices into the hands of false-hearted men, who revered religious obligations, so far only, as they contributed to their views of gain and preferment. The very proposal of a new oath was an injury to government, because it implied a conscious distrust, which tended to revive the drooping hopes of its enemies. Where you put a buttress to the building, you mark the spot of weakness and danger. By attempting to fortify the king's title with oaths unknown in any former reign, his officious friends invited more curious and elaborate scrutiny, which might spread the malignant disease of political scepticism. Of uniformity in speculative opinions no society could boast, and every experiment for this purpose, pregnant with animosity and division, remained a monument of the ignorance and temerity of those who suggested it. Unity of interest and design, the collected exertion and untainted probity of every description of citizens, constituted the strength and glory of a nation, and would be found, in the present state of England, the most powerful guardian of the reformed government, and of the title of the king attached to it.<sup>16</sup>

rejected. The bill was thrown out by a majority of an hundred and ninety-two to an hundred and sixty-five.<sup>17</sup>

<sup>16</sup> Grey's Debates, vol. x. p. 75.<sup>17</sup> Journ. Commons, 26th April.

The tories, aware that the rejection of the CHAP. XII.  
 oath of abjuration would be made a pretext for  
 fusing suspicions of their loyalty into the  
 minds of the people, embraced the first oppor- 1690.  
 tunity to avert them, by proposing other mea- For se-  
 sures for the security of the present government. curing  
 the suspen- sion of the habeas corpus, the most the go-  
 obvious and effectual plan for this end, afforded vernment.  
 their opponents advantages of argument, which  
 they were unable to defeat by influence alone ;  
 they therefore had recourse to such moderate re-  
 solutions as were carried by the approbation of  
 every party <sup>18</sup>.

One of the most unexpected arrangements of For re-  
 parties in the course of this session, was exhibited storing  
 in the several questions and debates which related the char-  
 to the charter of the city of London. The whigs ter of  
 had acquired the highest merit from the firmness London.  
 with which they had opposed the first efforts of  
 regal usurpation, in recalling the charters of the  
 corporations, while the tories in general had con-  
 sented to them, and, by their servility to prero-  
 gative, had a deep share in those accumulated  
 oppressions which directed the eyes of the nation  
 towards the prince of Orange. It was moved in  
 the house of commons, that a bill should be  
 brought in, for reversing the judgment of the  
 king's bench, in favour of the crown, against  
 the city of London <sup>19</sup>. While this motion,  
 originating with the tories, intimated a penitent  
 renunciation of their sentiments, the warm op-

<sup>18</sup> Journ. Commons, 29th April. It was proposed by the  
 tories in the house of lords, that an oath should be taken, not  
 to assist king James, or any of his instruments, knowing them  
 to be such ; and that severe penalties should be inflicted upon all  
 who refused to take it. Journ. Lords, 8th May. This bill  
 was not carried through before the adjournment of Parliament.

<sup>19</sup> Journ. Commons, 8th, 22d, and 24th, April.

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1690.

position it met with from the whigs, carried the appearance of unaccountable inconsistency with the principles, on which they had formerly prided themselves.

Opposed  
by the  
whigs.

Upon a nearer survey, it appears, that interested motives influenced the public conduct of both parties upon this occasion. The tories were anxious to engross the merit of restoring the first city in the kingdom to its privileges; and, as an acknowledgment of their services, they might reasonably expect that a preference would be given to their friends in the new election of magistrates. The whigs, foreseeing the advantages which might redound to their adversaries from this measure, but unable to controvert its essential justice and propriety, were constrained to have recourse to a refined species of argument, and to represent the redress proposed, as ensured by the inherent principles of the constitution. The very question, they said, ought to be avoided, because it conferred upon the sentence of corrupt judges a degree of authority dangerous to liberty, and disparaging to the laws of their country. To revise a judgment was, in effect, to suppose that it had obtained a legal existence. The superior courts reversed the sentence of inferior ones, because the constitution had empowered them to do so; and the rule of the law was often so obscure and perplexed, that it might be misapprehended, without any deviation from purity of intention. But, in the instance referred to, the error was wilful and perverse, because the sentence was notoriously unjust. It was also objected to the bill, that it was pushed forward with too much celerity, and was inadequate to that extension of privileges which the corporations



tions were justly entitled to expect <sup>20</sup>. In order CHAP. XII.  
 to assist this argument, a petition, in the same 1690.  
 spirit, was presented to the house by the com-  
 mon council of the city; but, being found to  
 contain a claim of new privileges, it was warmly  
 opposed by the tories, as invading the royal pre-  
 rogative, from which the grant of them ought to  
 flow <sup>21</sup>. The attempt of the whigs to obstruct Passes  
 the bill in the house of lords, by petitioning for both  
 a delay, was also unsuccessful, though it passed houses.  
 there only by a majority of two votes <sup>22</sup>.

The thanks of the house of commons were pre-  
 sented to his majesty, for the great care he had The to-  
 expressed of the church of England, in the late ries ob-  
 alterations he had made in the lieutenancy of the tain a  
 city of London <sup>23</sup>. This measure may be justly vote of  
 considered as the strongest evidence of the supe- thanks to  
 rior influence of the tories, and of the insolent the king,  
 exertion of that influence. They were aware for hay-  
 that the changes in the commissions of the militia, ing chang-  
 which had been directed by them, must have fur- ed the  
 nished their enemies with the justest grounds of militia.  
 censure. To prevent this, they covered the mea-  
 sure with the garb of merit, by connecting it  
 with the interest of the church of England.

An inquiry was instituted in the house of lords, The lords  
 concerning the characters of the persons to whom institute  
 the commissions of the militia had been given. an inquiry  
 In the progress of this inquiry, the lords resolved concern-  
 to call for the evidence of sir Robert Clayton and ing the  
 sir John Treby; who, when the question of characters  
 thanks was under the consideration of the lower of the  
 house, had opposed it, on account of their per- officers  
appointed  
to com-  
missions  
in the  
militia.

<sup>20</sup> Grey's Debates, vol. x p. 58.

<sup>21</sup> Journ. Commons, 17th April.

<sup>22</sup> Journ. Lords, 13th May. Lords' Debates.

<sup>23</sup> Journ. Commons, 24th April.

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1690.

Bill for  
exact-  
ing the  
for-  
feitures  
from those  
who had  
accepted  
of com-  
missions  
without  
the legal  
qualifica-  
tions.

sonal knowledge of the demerit, of some of those persons, promoted by the late alterations in the militia. This resolution of the lords was considered by the commons as insidious and unconstitutional, by requiring them to become accessory to their own crimination; and as disrespectful to the sovereign, by censuring his nomination of the militia, a right which was vested in him by the statute <sup>24</sup>. The lords nevertheless persevered in the inquiry, till they were stopped by the adjournment of parliament <sup>25</sup>.

The whigs, representing their own merits and claims from the nation, laid the greatest stress upon their conduct, contrasted with that of the tories, during the last years of the life of Charles, and the whole reign of James. While the latter had supported, they had opposed, arbitrary measures: while their adversaries had been cherished and promoted, they had been disgraced and banished from the court. It is certain, however, that these representations and pretensions were not uniformly true, and unexceptionable. In the end of the reign of James, many of the dissenters had been allured to accept of religious liberty, illegally tendered by the stretch of prerogative; and some of them had accepted places for which they were disqualified by law. It appears to have been with a view to expose the transgressions of the whigs, that the tories now brought in a bill, for vesting in his majesty all forfeitures incurred by those, who had been in office in the late reign, without the legal qualifications; and, that none of the forfeitures might be alleviated or remitted, a clause was added, ordaining them to be paid

<sup>24</sup> Journ. Commons, 12th May.

<sup>25</sup> Journ. Lords, 16th, 17th, and 22d May.

into the exchequer, and accounted for to the public<sup>26</sup>. This bill, if it had taken place, must have affected their own friends; but the tories were willing to suffer in their pecuniary interests, provided that they could reduce the reputation of their antagonists to the same level with their own. After having passed the house of commons, it was thrice read in the house of lords, where some amendments were proposed; but the adjournment of parliament took place before these were agreed to by the other house<sup>27</sup>.

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1690.

An act of indemnity, under the form of an act of grace from the king, obtained the consent of both houses, and closed the business of this session. Thirty-two persons only were excepted from the benefit of it. It passed in the house of lords without any opposition, and was transmitted to the commons, with this expressive testimony of their approbation, that it had passed unanimously<sup>28</sup>. Though the object of the bill had been acceptable to the house of commons, yet this mode of notification might have been deemed reprehensible, as a precedent for obtruding the authority of one branch of the legislature, in order to influence the opinion of the other. Such, however, was the disposition of the commons to favour the indemnity, that though this objection did not escape notice, yet it was not made the occasion of any delay, or obstruction, to their passing the bill. It was only after consenting to it, that they appointed a committee to search for precedents, and to draw

Act of  
grace.

<sup>26</sup> Journ. Commons, 13th May.

<sup>27</sup> Journ. Lords, 16th and 19th May.

<sup>28</sup> Journ. Commons, 22d May.

CHAP. up reasons in bar of its being made an exam-  
XII. ple <sup>29</sup>.

1690.

But though the whigs were submissive in both houses of parliament, yet their friends and partisans through the nation loudly exclaimed against the act of indemnity. A torrent of abuse was poured out on the character of the king: he was accused of breaking the engagements of his declaration; and of shaking off his first friends, the whigs, to employ, in their place, men who had been trained and exercised, in the school of tyranny <sup>30</sup>. The king, impatient to assume the command of the army in Ireland, put an end to this session of parliament on the twenty-third of May.

State of  
Ireland.

1689.

After the convention in England, and in Scotland, had settled William upon the throne, great hopes were entertained, that Ireland would have submitted to his authority without coercion or struggle. The earl of Tyrconnel, the lord deputy, fluctuating in his resolutions, and incapable of retaining any attachment repugnant to his interest, had, in the course of conversation with the protestants of the highest distinction, made advances to a reconciliation with the new government of England. Upon the faith of his sincerity, agents had been sent to treat with him; and it was imputed to their treachery, more than to his backwardness, that the title of William was not immediately acknowledged <sup>31</sup>. Whether it was with the prospect of obtaining more favourable conditions, or with the insidious design of amusing expectation, and suspending

<sup>29</sup> Journ. Commons, 22d May. Ralph, vol. ii. p. 200.

<sup>30</sup> Publications of the times.

<sup>31</sup> Apology for the Protestants in Ireland.

hostilities,

hostilities, till the arrival of reinforcements from France, Tyrconnel still continued to maintain an amicable intercourse with the protestants. He declared, that though he felt the indispensable obligation of adhering to James, in consequence of the trust reposed in him, yet he would not cease to solicit permission, either to surrender Ireland into the hands of William, or to resign his office; and with the professed purpose of carrying these designs into execution, he sent lord Mountjoy and baron Price to wait upon king James at Saint Germain's<sup>12</sup>. The imprisonment of lord Mountjoy in the Bastile, without allowing him to explain the purport of his commission, and the redoubled activity of Tyrconnel in levying and arming the Roman catholics, at last opened the eyes of the protestants to a sense of his treachery, and of that fatal credulity into which he had beguiled them. The immense superiority of the Roman catholics, the inveterate rancour, and vindictive spirit, of those who had been deprived of their estates by the act of settlement, the barbarity of the lower classes of the people, let loose to plunder and destroy, spread an universal consternation and panic among the protestants<sup>13</sup>. With the most anxious importunity they implored the speedy interposition of England, as the only means of preventing the immediate destruction, and the utter subversion of the protestant religion. The extreme tardiness of the convention in voting supplies, and the danger of diminishing the military force of England till his power was firmly rooted there, prevented William from sending assistance to

C H A P.  
XII.

1689.

Duplicity  
of Tyr-  
connel.

The pro-  
testants  
alarmed.

<sup>12</sup> Secret Consults of the Roman Catholics in Ireland. State Tracts, T. W. vol. iii.

<sup>13</sup> Memoirs of Ireland.

CHAP. Ireland, adequate to the exigency and expectation of his friends \*+. A great number of protestants

1689.

<sup>34</sup> It was believed by some, that king William neglected the affairs of Ireland, and did not wish to crush the rebellion there, in order to have a pretext for keeping up a standing army, by which he might more firmly establish his power in England. Lord Clarendon complains of the unaccountable remissness of William about the affairs of Ireland, and of his declining all conversation with him upon that subject. Clarendon's Diary, *passim*.

Lord Dartmouth, in his notes upon Burnet's History, says, "That the duke of Leeds informed him, that Tyrconnel sent several messages to the king, intimating, that he was ready to deliver up Ireland, if he would but give him a decent excuse, by sending any thing that looked like a force to demand it. But lord Halifax told him, that if Ireland was quiet, there would be no pretence for keeping up an army; and if there was none, he would be turned out as easily as he had been brought in." Dalrymple's App. part i. p. 342.

Notwithstanding these allegations, there are both arguments and facts, which strongly oppose the conclusions to which they lead. If the danger which William incurred was obvious and threatening, the remedy proposed was precarious, and attended with new, and peculiar danger. The separation of Ireland from England was a certain consequence of the rebellion there, if allowed to get head. The advantages which James would derive from the possession of Ireland, in any attempt to recover his throne, the facility with which he could animate the hopes and second the efforts of his friends in England, were circumstances which threatened the safety of William, and overbalanced any security he could expect from a standing army. We should certainly hold in derision the practice of the empiric, who recommended to his patient to cherish a disease which was preying upon the vitals of his constitution, in order to ensure him against some sudden and deadly malady, which, after all, was only contingent.

The duke of Leeds, in the course of conversation with lord Dartmouth, might be ready enough, upon scanty proof, to ascribe the mismanagement of affairs in Ireland to the advice of lord Halifax, whom he rivalled in the favour of the king; nor, supposing that lord Halifax had given such advice to William, is it evident that he pursued it.

Though

testants transported themselves with their effects into England, and those who remained, though professing the strictest fidelity to James, were devoted to the insults and rapine of furious banditti, and nothing but the undaunted resolution of a few protestant towns prevented the universal submission of Ireland to the authority of James<sup>35</sup>.

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XII.  
1689.

Thus hostilities, in Ireland, commenced under the aspect and form of a religious war, between the Roman catholics and the protestants. James, by putting himself at the head of the Roman catholic army, plunged deeper into those crimes by which he had forfeited the allegiance of England. Depending upon such an army, whatever his private inclinations might be, he was brought under the necessity of prosecuting measures which would rivet in the breasts of his protestant subjects, impressions of his irreclaimable hatred to their religion. He seemed to be only varying his

Though the king had not entertained a strong prejudice against Clarendon, yet his being obnoxious to that party in Ireland who had the power in their hands, and who had made it an express condition of their opening a treaty with William, that he should not consult Clarendon, sufficiently account for that reserve and distance with which he listened to all his offers of information and advice concerning the affairs of Ireland.

The only method William could employ to prevent the rebellion in Ireland, before he obtained supplies from parliament, was negotiation. He did actually employ this method. Colonel Hamilton was recommended as a person the most fit to treat with Tyrconnel, and as worthy of entire confidence. He was sent to Ireland to propose offers to Tyrconnel, which, it is probable, would have been accepted; but Hamilton proved treacherous, and advised him to hold Ireland for James. Master Temple, son of sir William Temple, who had recommended colonel Hamilton to the king, was so deeply affected with the consequences of the mistake he had committed, that he put an end to his own life.

<sup>35</sup> Letter of Judge Keating to Sir William Temple.

efforts

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## XII.

1689.

efforts in pursuit of the same darling object, and endeavouring to enforce, by the sword, that system of superstition, to accomplish which, by the influence of prerogative and the violation of established laws, had been the study of his reign.

The weak enthusiasm and ostentatious bigotry of James, after his arrival at St. Germain, counteracted those generous feelings which were at first excited by his misfortunes and degradation, and marred the energy of those resources of aid which he derived from the interposition of the French king. He devoted himself entirely to the conversation of the jesuits; he listened with implicit respect to their counsels, and seemed more ambitious to have his name enrolled as a member of their society, than to be restored to his throne. No prospect of honour or success could allure the candidate for military fame to fight under the banners of a commander, who seemed more fit to preside in a cloister, than in a camp<sup>36</sup>. At a time when two rival ministers contended for superiority, in the cabinet of Lewis, James, by imprudently attaching himself to one of them, provoked the resentment of the other, which occasioned the delay, and finally

<sup>36</sup> The following extracts from a celebrated cotemporary author, are testimonies of the low estimation in which the character of James was held at Paris:—"D'abord il alla descendre aux grands jesuites, causa très long temps avec eux, & se les fit tous presenter. La conversation finit par dire, qu'il étoit de leur société. Cela parut d'un très mauvais gout." *Memoirs de la Cour de France, par la Comtesse de Fayette, tom. ii. p. 117.*

"Le depart du roi d' Angleterre pour l'Irlande, ne laissa pas une grande esperance au roi de le voir remonter sur le trone. Il n'avoit pas été de long-temps en France, sans que l'on le connut tel qu'il étoit; c'est a dire, un homme epeteté de sa religion,



finally the diminution, of the articles of pro-  
mised assistance <sup>17</sup>. CHAP.  
XII.

Under these disadvantages, James arrived at Kinsale on the twelfth of March one thousand six hundred and eighty-nine. On his entrance into Dublin, he was met by the Roman catholic bishops and priests in their pontificals, bearing the host, which he adored as he walked in solemn procession to church, to offer up his thanks, according to the mode of his own religion. His first act of government in the city was to remodel the privy council, by dismissing the protestants, and admitting Roman catholics in their place. 1689.  
James  
lands in  
Ireland.  
29th  
April.

On the seventh of May the Irish parliament met, perfectly prepared to enter into the views of James. Lord Tyrconnel, together with the writs of summons, had addressed letters to all the electors, recommending the persons on whom the king wished their choice to fall. These recommendations had such influence, that a great majority of members returned were attached to the Roman catholic interest. In the upper house, out of sixty-nine protestant peers, only five; and out of twenty-two bishops, only four, had the resolution to attend their duty; while, by the reversal of attainders, and by new creations, the number of Roman catholic peers amounted The par-  
liament  
meets  
there.

"religion, abandonné d'une maniere extraordinaire aux jesuites. Ce n'eut pas été pourtant son plus grand défaut à l'égard de la cour. Mais il étoit foible, et supportoit plutôt ses malheurs par insensibilité, que par courage, quoiqu'il fut né avec une extreme valeur, soutenue du mepris de la mort si commun aux Anglois." Ibid. p. 148.

<sup>17</sup> Ibid p. 128. Life of James, 1690—2.

CHAP. to forty-two <sup>38</sup>. The king addressed his parliament in a speech, declaring his purpose to maintain liberty of conscience, and promising his consent to such laws as were for the good of the nation, the improvement of trade, and the relief of persons who had been injured by the act of settlement <sup>39</sup>.

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1689.

If the protestants had hitherto indulged any hopes of protection and justice, from the solemn and reiterated promises of king James, these hopes were entirely extinguished, by that clause of his speech, which referred to the relief of those who had been injured by the act of settlement. It was understood as a prelude to a total revolution of property.

Acts of  
settlement  
and ex-  
planation  
repealed.

The house of commons entered with impetuosity on the dispatch of a business, in the highest degree interesting and lucrative to themselves. After the right of the king had been recognised, a bill was brought in, for repealing the acts of settlement and explanation, and carried through with circumstances of precipitancy, puerility, and rudeness, equally derogatory to the dignity and justice of the house <sup>40</sup>. When the motion for the repeal of these acts was made, the whole house resounded with huzzas; the bill was read a first and a second time, and committed on the

<sup>38</sup> Memoirs of Ireland.

<sup>39</sup> Journals of the parliament of Dublin.

<sup>40</sup> The act of settlement passed soon after the restoration. The purport of it was, to restore the estates of all those persons who had been turned out of them during the usurpation, among whom were a great number of the friends of Charles I. It was found, that, by the execution of this act, many persons, who had not been concerned in the Irish rebellion, and others, who had obtained estates by fair purchase, must have been dispossessed of their property. To prevent this, the act of explanation was passed. State Tracts, T. W. vol. iii.

same day. It was moved, that the act of settlement should be burnt by the hands of the common hangman : it was styled a horrid and barbarous act; and they finally resolved, that whoever alleged any thing contrary to this resolution should be deemed an enemy to his country \*<sup>1</sup>.

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The bill met with a full and animated discussion, in the house of lords, and the objections to it were stated with a precision and force, which could only have been slighted by the most hardened contempt of justice \*<sup>2</sup>. The repeal, in itself a mighty grievance, was to be carried into execution upon a plan the most unjust and oppressive. For though it was ordained, that there should be an examination of the evidence, upon which persons founded their claims for being restored to the possession of their estates, yet this was to little purpose, while no penalty was enacted to overawe those, who, without the shadow of right, violently dispossessed the present proprietors. No compensation was assigned for improvements; no time allowed for the present possessors to remove their stock; as if it had been intended that it should fall into the hands of the successors, whose impetuous rapacity prevented the former from securing the reversion of effects which belonged to them, according to a fair interpretation of the act \*<sup>3</sup>.

Oppressive  
consequences  
of the  
repeal.

In order to extend the range of oppression, and to render it still more enormous, an act passed, "for punishment of waste upon lands restorable to proprietors." It required no effort of inge-

Act for  
indemnifying the  
proprietors to be  
restored  
by it.

\*<sup>1</sup> Letter from Dublin.

\*<sup>2</sup> Bishop of Meath's Speech.

\*<sup>3</sup> Ibid.

CHAP. nuity in the new claimant, when the ejected pro-  
 XII. prietors were possessed of stock or money, to de-  
 1689. vise fictitious charges of waste, equivalent to their  
 whole remaining property <sup>44</sup>.

Act of To such of his majesty's catholic subjects as  
 forfeiture: could plead no right to ancient property, an  
 abundant source of provision was opened, by an  
 act of forfeiture, the most comprehensive and  
 productive, for it ordained the confiscation of  
 the estates, not only of such as were openly and  
 directly engaged in opposition to James, but of  
 all the persons who aided them, and who lived or  
 corresponded with them. The estates of absent  
 proprietors were vested in the king, and no ex-  
 ceptions made in favour of those who were under  
 age, or detained in another country by sickness or  
 unavoidable accident; and all suspected persons,  
 who did not surrender themselves to trial before  
 the tenth of August, were to be attainted. In  
 consequence of these acts, two thousand four  
 hundred persons were deprived of their estates;  
 in which number were included fifty-five protes-  
 tant peers, and eighty-three clergymen <sup>45</sup>. To  
 prevent any mitigation of punishment by the in-  
 terposition of the prerogative, and to remove the  
 charge of personal tyranny, by pushing matters  
 to an extremity of violence, it was enacted, that  
 the king's pardon should be of no effect to any  
 person described in the act of forfeiture, unless  
 that pardon was enrolled before the first of No-  
 vember one thousand six hundred and eighty-  
 nine. To shut up every channel by which the  
 ignorant might be informed of danger, or the  
 penitent encouraged to lay hold of that scanty

<sup>44</sup> Keating's Remonstrance.

<sup>45</sup> King's State of Ireland.

reservation of mercy which was provided by the statute, it was declared treason to hold correspondence with any person engaged in rebellion \*<sup>6</sup>.

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XII.  
1689.

The parliament, having provided inexhaustible revenues for themselves and their Roman catholic friends, next extended their generosity to the clergy of the Roman catholic faith. Treading in the footsteps of their sovereign, and professing to support liberty of conscience, they enacted laws which tended to extinguish the subsistence of the protestant clergy, and to deprive them of protection, in the exercise of their functions. Having repealed every statute which seemed to obstruct liberty of conscience, under the pretext of providing equally for the clergy of every sect, they enacted, that the tithes of the estates of Roman catholics should be paid to the clergy of their own persuasion. As by the repeal of the act of settlement, almost the whole landed property devolved upon the Roman catholics, so the whole revenue of the church was also transferred to their clergy. The repeal of an act of Charles the Second, which appropriated a certain sum out of the rents of houses for maintaining the city clergy, completed the spoil of the church, and accomplished the ruin of the protestant religion, as effectually as if it had been abolished by an act of parliament. Though the destruction of their ecclesiastical power must have been a necessary consequence of the forfeiture of their revenue, yet, in order to hasten its downfall, dissenters, of every denomination, were declared to be free from the jurisdiction of the protestant ecclesiastical courts \*<sup>7</sup>.

Acts fatal  
to the pro-  
testant  
clergy.

\*<sup>6</sup> King's State of Ireland.

\*<sup>7</sup> Memoirs of Ireland.

## CHAP.

## XII.

1689.  
Violent  
proceed-  
ings  
against  
the pro-  
testants.

The executive government caught the same spirit of oppression, which dictated the resolutions of parliament; and anticipated that severity, which it was their purpose to prescribe and ratify. Protestant churches were violently seized by the soldiers, and either put into the hands of Roman Catholics, for the performance of religious service according to their own forms; or turned into garrisons and barracks, for the accommodation of the army. Soldiers quartered upon protestants made waste of provisions, and treated the families in which they resided, with the most shocking rudeness and barbarity. Protections were granted upon the payment of heavy fees; but a renewal of them was required, as often as the officers of government in the district were changed; and they were frequently set aside, under the pretext of frivolous informalities. Oppressive frauds were daily committed against traders, whose ships, after exorbitant fees had been paid for clearance, were stopped, searched, and despoiled of the most valuable parts of their cargoes. Provisions and goods of every kind were rated at an arbitrary value, and the price of them afterwards paid in base coin, not worth above a thirtieth part of its nominal value \*.

\* King's Appendix. James, after his arrival in Ireland, ordered a coinage of brass or copper money, and issued a proclamation enjoining all persons to receive it in payment for goods, under the severest penalties. It is said, that no less a sum than 965,000*l.* was issued of this coin. The oppression fell almost entirely upon the protestants; it was first paid to those who held commissions under the king, who were all Roman Catholics. The protestants were obliged to part with their goods at their original value. The greatest part of the commercial body in Ireland were protestants, and, therefore, the base money ran quickly into their pockets.

Th

The facts now recited are of importance, because they exhibit, more than any general description can do, the features and character of that government, over which James now presided, and may be supposed, in different views, to have operated to the security of the revolution in England.

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XII.

1689.  
Effects of  
the go-  
vernment  
of James  
in Ire-  
land,  
upon the  
minds of  
the En-  
glish.

1. These specimens of his government, during the short period that James swayed the sceptre in Ireland, served to display the inherent tyranny of his disposition, and the irreclaimable bigotry of his principles. In Ireland he was placed in a new state of probation, and under the immediate inspection of his English subjects: their eyes were intently fixed upon every motion of his conduct. By reversing the system of his policy, by a temperate use of power, by the impartial administration of justice, the affections of his late subjects might have been awakened, his past misconduct forgotten, confidence restored, and the hereditary dignity of his family maintained. But, instead of symptoms of reformation, the fleeting period of his government teems with fresh examples of personal weakness, and political misdemeanours: enthusiasm and bigotry, superstition and tyranny, mark his steps, and confirm the disgust and horror of his English subjects. Though it should be admitted, that James was not perfect master of his own actions in Ireland; that, in particular instances, he was over-ruled by the petulance of French counsellors, or the vehemence of Irish faction; yet the effects of his government were, in the highest degree, alarming to the people in England, over whom he wished to resume his dominion. Nor was it of consequence what the private inclinations of the king might be, while they were controlled and directed

CHAP. directed by influence, inflexibly hostile to the  
 XII. laws of a free and protestant state \*.

1689.

2. The assistance of French soldiers, and the predominant influence of French counsellors, placed James, while in Ireland, in a state of avowed enmity to his native country. His disavowal of French influence, at the commencement of his reign, had almost entirely abolished the suspicions and prejudices which had disturbed the minds of the people, upon the distant prospect of his succeeding to the throne. After he had lost credit for these declarations, their attachment began to decline, and the well known antipathy of the prince of Orange to France, more than all his other illustrious qualifications, recommended him to popular favour, and ensured the success of his expedition. The declaration of war against France, which was the consequence of his elevation to the throne, reconciled the hearts of many in England to a revolution in government, which they at first disliked. The friends of France, whoever they were, necessarily became the enemies of England. With regard to James and William, personally confi-

\* In confutation of the apology for the conduct of James, ascribed to the influence of those who advised him, it may be observed, that certain arbitrary exertions of the prerogative, in opposition to the opinion and interest of his counsellors, indicated his innate temper and disposition.

While his parliament, obsequious to his commands, was yet sitting, he levied by his proclamation 20,000*l.* per month, for the space of three months, upon all chattels and personal estates; and he was much displeased because his power to do this, was called in question. He discovered great partiality in deciding upon matters of dispute between Roman catholics and protestants. He often broke faith with the latter, and was ungrateful to some of the protestant bishops and nobility, who had invariably adhered to his interest.

dered,



lered, the affections of many might remain in a state of neutrality, or fluctuation; but, considered in the relation in which they stood to the mortal enemies of England, all deliberation and suspense were at an end.

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XII.  
1689.

3. The unprecedented barbarity with which the protestants were treated by the united armies of James and France<sup>50</sup>, the courage and the perseverance, with which they defended themselves against superior numbers, and sustained unparalleled hardships, recommended them to general sympathy and admiration. Their supplications, long disregarded, became more clamorous and urgent, united the sentiments of all parties in England, made a deep impression upon the hearts of the people; and constrained the parliament, which had been long dilatory, to take vigorous and effectual measures for the relief of Ireland. Had James conducted himself there with moderation and impartiality, he might soon have become master of that kingdom; and would have contended, with great advantage, for the recovery of his authority in England, when personal disappointments and political animosities began to loosen the affections of the people from their new

<sup>50</sup> The marshal Rosene, who commanded the French army under James, ordered all the inhabitants within thirty miles of Londonderry, not excepting children, the diseased, the aged, and women with child, to be collected and driven before the walls of Londonderry, where they remained without food many days. These amounted to the number of four, some authors say, of seven thousand. Several hundreds perished through hunger and cold on the spot; and those who returned home, soon met with the same fate, their houses and all the country round being plundered. Orders were issued for destroying the houses and mills, not only of those who were in actual rebellion, but of all their relations and friends. King's State of Ireland.

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XII.

1689

Marshall  
Schom-  
berg sent  
to Ire-  
land.

William  
goes  
there,

sovereign. But the outrageous violation of justice stamped upon every measure of the Irish parliament, the examples of bigotry and of an arbitrary spirit, flowing from the spontaneous inclination of the king, and, above all, the enormous cruelties, perpetrated by the Irish army, inspired a general horror at the apprehension of his return, and animated the exertions of all parties to drive him from the vicinity of England.

The neglect and mismanagement of the affairs of Ireland had furnished constant topics of declamation against the king's ministers, during the existence of the convention parliament. After unaccountable delays, marshal Schomberg sailed from England in August one thousand six hundred and eighty-nine, with about ten thousand men, for the relief of Ireland. The neglect and treachery of agents, hitherto complained of, were still conspicuous in the deficiency of carriages, provisions, and every accommodation for the field. The want of discipline in the Irish troops, the indolence, disobedience, and extortion, of officers, and the great superiority of the enemy, obliged Schomberg to pursue the plan of a cautious and defensive war, and exposed him to unmerited reproach. Disease, the consequence of bad provisions, swept away a great proportion of the English army during the winter<sup>s</sup>. All these circumstances determined king William to put himself at the head of the army in Ireland. He arrived there on the fourteenth of June, one thousand six hundred and ninety; and embraced

<sup>s</sup> Schomberg's Letter to William, Dalrymple, Ap. part ii. p. 43. When William went to Ireland, his army consisted of thirty-six thousand men, including English, French, and Germans.

the first opportunity after his arrival, of engaging the enemy. By a complete victory at the Boyne, on the first of July, one thousand six hundred and ninety, he turned the tide of success in favour of the protestants <sup>32</sup>.

CHAP.  
XII.  
1689.  
and gains  
a com-  
plete vic-  
tory.

James, with that precipitate despair which marked his character, abandoned his friends in Ireland. The complete reduction of that kingdom was a tedious and difficult work. The obstinate bravery of the Roman catholic nobility, seconded by the skill of the French officers, protracted the Irish war till the surrender of Limerick, on the third of October, one thousand six hundred and ninety-one.

<sup>32</sup> Story, p. 78.

## C H A P. XIII.

*A Session of Parliament.—Addresses of both Houses to the King and Queen.—Unanimity of the Commons—Causes of this.—A Question, whether the Royal Pardon bars Impeachment, moved in the House of Lords.—Declaratory Act concerning the Power of the Commissioners of the Admiralty.—Supplies.—Bill for appointing Commissioners of Public Accounts—for raising Money for the public Service out of the forfeited Estates.—Parliament adjourned.—Observations upon the Interference of England in the Affairs of the Continent.—Merit of William in forming the Grand Alliance.—He attends the Congress at the Hague—returns to England—goes back to Holland—takes the Command of the Army.—Short View of the Campaigns 1690 and 1691.—Causes of Change in the Sentiments and Temper of the People, and Parties in England.—The Reduction of Ireland.—Great Expence—and ill Success of the War.—Jealousy of the King's Partiality to the Dutch.—Unfavourable Views of the Conditions upon which the confederate Powers had united—and of their Strength.—Losses sustained by the trading Part of the Nation.—Disaffection of many of the Members of the Church.—Third Session of the second Parliament.—Backwardness of the Commons in granting Supplies—their Ill-humour.—Supplies granted.—Inquiry concerning the Inactivity of the Fleet.—Bills to check Abuses in the Revenue and public Offices.—The Influence of the Tories augmented by a farther Change of Ministry in their Favour.*

CHAP.  
XIII.

1690.  
A session  
of parliament.

**A**NOTHER session of the second parliament of William was opened on the second of October one thousand six hundred and ninety. The king mentioned his success in having reduced Ireland to such a condition as to be no longer a charge

charge to England; he hinted at the deficiency of the supplies, by praising his army for having patiently endured great hardships with little pay; he expressed his zeal for the public good, by subjecting his revenue to the expences of the war; and he alluded to a late alarm, occasioned by the French fleet upon the coast of England, in order to excite them to grant liberal supplies. He prepared them for extensive demands, by reminding them of large arrears due to the army, and the supplies necessary for its future maintenance, and that of the navy, neither of which could admit of any reduction. He represented the whole success of the confederate army as depending upon the speed and vigour of the measures taken by them. The affections of the people, displayed by their ready services while the French fleet was upon their coast, and in the course of his late expedition, he considered as a happy omen of the temper of their representatives. He expressed a deep concern for the misconduct of the fleet, and a desire of seeing the honour of the nation vindicated, by the exemplary punishment of the guilty-<sup>1</sup>.

<sup>1</sup> The French fleet appeared on the coast of England 20th June 1690, before that of England was prepared to receive it. Lord Torrington, the commander, not being a match for the French, returned to Portsmouth to obtain a reinforcement of men and ships. Great was the alarm of the nation; a conspiracy of the jacobites was suspected. The queen, after advising with the navy board, sent orders to Torrington to engage the French. He engaged them accordingly off Beachy-head, on the 30th of June, and, after having sustained considerable loss, was forced to retreat. The English lost two ships. Three Dutch ships of the line were sunk during the engagement, and they were obliged to set fire to three more, to prevent their falling into the hands of the enemy. Many brave officers and seamen fell in the engagement.

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XIII.

1690.

Addresses  
of both  
houses to  
the king  
and  
queen.

Both houses testified great satisfaction with his majesty's speech, and agreed upon presenting separate addresses to the king and queen. Their addresses to the king were full of congratulations upon his success in Ireland, of assurances to assist him, and to support the government against all his enemies. To the queen, their addresses were expressed in terms of the most flattering applause: by her prudent administration internal peace and quiet had been maintained, while the nation was threatened with the invasion of a powerful enemy; and, by her exemplary composure, amidst alarming dangers, she had sustained the courage of her subjects, and animated them to the most spirited and successful exertions <sup>2</sup>.

Unanimi-  
ty of the  
commons.

No session of parliament, in the course of this reign, discovered greater unanimity, loyalty, and liberality, than that which now comes under our observation <sup>3</sup>. The decided superiority of the tories over the whigs, in all their conflicts during the preceding session, had damped the spirit of enterprise in the latter, and suggested to them the wiser policy of endeavouring to regain power by concession and complaisance, rather than by open and violent opposition to the measures of the court. A considerable proportion of offices were still left in their hands, and some incidents encouraged them to hope, that, by a gentle and natural progression, their influence in the cabinet might again prevail, and be established. Lord Godolphin, who now began to associate with the leaders of the whigs, was placed at the head of the treasury, in the room of sir James Lowther. Sir

Causes of  
this.

<sup>2</sup> Journ. Lords, 6th, 7th, and Journ. Commons, 8th October.

<sup>3</sup> Letter of Burnet to Mr. Johnson, 14th October 1690

John Somers held the office of solicitor general, CHAP. XII.  
 and, by his abilities and virtues, was every day 1692.  
 gaining upon the confidence of the king. The  
 whigs had lately augmented their stock of merit,  
 and strengthened their claims to royal favour,  
 by the readiness and liberality with which they  
 had subscribed to the public supplies, while their  
 antagonists, preferred to them in trust and office,  
 discovered either want of confidence in the stabi-  
 lity of the present government, or want of at-  
 tachment to it, by being averse to trust their pro-  
 perties in the funds \*. They enjoyed also a  
 splendid triumph, by still maintaining superior  
 influence in the city of London, notwithstanding  
 the popular and powerful engines which the tories  
 employed to wrest it out of their hands, by re-  
 storing the charter of the city, and dispensing the  
 favours of the court. The office of mayor, the  
 most honourable, and that of chamberlain, the  
 most lucrative in the city, were filled by Pilkington  
 and Robison, both distinguished partisans of  
 the whigs. Galled by this disappointment, the  
 tories in the common council addressed the com-  
 mons in a petition, representing that the elec-  
 tion of Pilkington and Robison had been  
 effected by violence, and illegally maintained  
 against some of their own friends, who had a  
 majority of votes in their interest. This petition  
 did not meet with any countenance from the  
 court, and, while the neglect of it by the com-  
 mons was interpreted as a grateful acknowledg-  
 ment of the recent services of the whigs, it was,  
 at the same time, considered as a prelude to their  
 return to favour and power †.

\* Ralph, vol. ii.

† Journa. Commons, 11th December.

## CHAP.

## XIII.

1690.

The panic, which pervaded the nation upon the immediate prospect of an invasion, if it did not unite parties in affection, at least promoted external tranquillity, by inducing them to suspend their animosities, and to concur in the most effectual measures for supporting government; nor does it seem probable, that the same unanimity would have been obtained, if the whigs at that time had engrossed the chief offices of power. The tories, by entering into administration, became bound, by the ties of interest as well as of honour, to support a government, to which, perhaps, they were but feebly attached by principle or affection. The whigs, though depressed in political influence, and disaffected to the principal members of administration, still maintained a supreme respect for that settlement which they had erected in conformity to their principles, and they did not choose to weaken it by a contentious opposition to the men whom they disliked.

A question whether the royal pardon bars impeachment, moved in the house of lords.

The few topics of dispute, and the divisions which attended them, in the course of this session, proceeded from personal animosity, rather than from the prejudices, or concerted schemes, of any party. The great share of influence which the marquis of Carmarthen possessed, both under the former and present administration, was offensive to every party, and awakened the remembrance of demerit, which had been screened from public resentment by an unprecedented stretch of the prerogative. Under this impression a question was moved in the house of lords, Whether impeachments were extinguished by an act of grace? A committee was appointed to inspect the journals for precedents; and, though none contained in their report could be applied, with strict propriety, to the case of the marquis, a warm debate ensued. The design of his enemies



mies was defeated, and the question eventually decided in his favour, by the house having consented, while it was yet depending, to release from their bail the earls of Salisbury and Peterborough; who, upon the same principles which applied to the case before them, must have been excluded from the benefit of indemnity; because they lay under an impeachment, for having been reconciled to the church of Rome <sup>6</sup>.

CHAP.

XIII.

1690.

The defeat of the united fleets of England and Holland, was a source of great mortification to the king, and drew his severest displeasure upon lord Torrington, who had been examined by the privy council, and committed to the Tower, before the meeting of parliament. To pave the way for his trial by a court martial, which was reckoned a more expeditious and effectual method of proceeding against him, than an impeachment by the commons, a declaratory act was passed, to remove any doubt, with respect to the power of the commissioners of the admiralty to appoint a court martial <sup>7</sup>.

Decla-  
ratory act  
concern-  
ing the  
power of  
the com-  
missioners  
of the  
admiralty.

Four millions were voted for the service of the army and navy; the largest sum that ever had been granted to a king of England. Twenty-seven new ships were added to the navy; seventeen of them of eighty guns, and ten of sixty.

<sup>6</sup> Journ. Lords, 9th, 30th October.

<sup>7</sup> Journ. Lords, 30th October, and Commons, 30th October, 7th November. Lord Torrington was unanimously acquitted by a court martial. All the admirals who served under him were of opinion, that they were too weak to engage the French fleet, which consisted of twenty ships more than the English and Dutch. In the engagement he had ventured as far as he could do, without exposing the whole fleet to imminent danger. He nevertheless fell under the displeasure of the king; a remarkable evidence of his partiality to the Dutch, whose fleet was most exposed, and suffered most.

CHAP. <sup>sixty</sup> <sup>3</sup>. For the honour of the tories, it may be observed, that they were diligent in contriving measures to chastise and correct the abuses committed in the management of the public revenue, which had now arisen to the most enormous pitch. A committee was appointed to examine and consider all the estimates and accounts relating to the army, the navy, and the treasury; and a bill was introduced to appoint commissioners for the same purpose, which passed also in the house of lords, with an amendment <sup>2</sup>. To relieve the nation in part, from those heavy burdens which were the consequence of the war, a bill was brought in for raising one million out of the forfeited estates in Ireland. The many difficulties arising from the complicated claims of creditors and heirs who had been faithful to government, as well as the inclinations of the king, who wished to subdue, by generosity, the affections of the Irish rebels, and to reward the distinguished services of his friends, out of these estates, all concurred to obstruct the progress of this bill, and to prevent its passing before the end of the session. The king, impatient to visit the continent, where the most important transactions required his advice and influence, expressed his desire that parliament should adjourn on the fifth of January one thousand six hundred and ninety-one.

Bill for appointing commissioners of public accounts. 25th October. 26th December. For raising money for the public service out of the forfeited estates. 17th October.

Parliament adjourned.

A new

<sup>3</sup> Journ. Commons, 24th December.

<sup>2</sup> It was moved in the house of lords, that, as the commons had named none but members of their own house, the lords should add some of their own number. This was accordingly done by ballot; but none of the lords to whom the appointment fell would agree to accept. Tindal, vol. ii. p. 113.

A new and more extensive scene of political history now opens to our view. The connexion formed between England and Holland, in consequence of the revolution, deeply involved the former in continental alliances and transactions, which have produced the most important and permanent change in the political state of the British empire. The view of obtaining the accession of England to the grand confederacy may fairly be considered, as the chief motive which induced the prince of Orange, to enter into a correspondence with the leaders of opposition to the arbitrary measures of the court, and afterwards to embark in the plan of changing the government. No sooner was he seated on the throne of England, than he turned his attention to the directing that grand alliance, which was formed under his wise and animating counsels. The deep interference of William, as king of England, in the political transactions of the continent, was neither repugnant to the inclinations, nor inconsistent with the true interests, of his subjects at that period. Whether this interference, on the whole, has not been highly pernicious to their posterity, by introducing a system of politics, which in many instances has been pursued to excess, and with unaccountable extravagance, is a question foreign to the subject of this history.

The prince of Orange, inspired with an early indignation at the ambitious views of Lewis, devoted all his talents and application to thwart them, and to prevent the miseries which were impending, not only over his native country, but over all Europe. No offers of personal aggrandisement made by Lewis could shake the firm purpose of his mind, to oppose the ambition and humble the pride of that monarch. If this resolution was an evidence of his courage and patriotism,

CHAP.  
XIII.

1691.

Observations upon the interference of England in the affairs of the continent.

Merit of William in forming the grand alliance.

C H A P. otism, so the measures by which he endeavoured  
 XIII. to carry it into effect, afforded a striking exam-  
 1691. ple of his sagacity, in comprehending the politi-  
 cal interests of Europe, and penetrating into the  
 characters of individuals. He opened the eyes  
 of surrounding princes to a true sense of their  
 interest: he impressed them with a lively appre-  
 hension of remote dangers: he separated, from  
 the alliance of France, the powers who had been  
 attached to her by ancient and hereditary con-  
 nexions: he reconciled states hostile to each  
 other: he ascended at last, by his talents and per-  
 severance, to the uncontrolled and absolute di-  
 rection of the political system of the continent.  
 His success in accomplishing the revolution in  
 England, however glorious to himself, and im-  
 portant to the English nation, still yielded to the  
 same, the dignity, the extensive usefulness which  
 he acquired, by associating, inciting, and direct-  
 ing that powerful confederacy, which curbed the  
 ambition of Lewis, and maintained the inde-  
 pendence of Europe. The former of these events,  
 indeed, differs from the latter, as a part from the  
 whole. The deliverance of England, interesting  
 as it was in itself, became still more extensively  
 beneficial, and more illustriously meritorious,  
 as it augmented the strength of the grand alli-  
 ance; and essentially contributed to its success.

He at-  
 tends the  
 congress  
 at the  
 Hague.

A few days after the parliament was prorogued,  
 William embarked for Holland, to meet the  
 congress of the allies, and to concert plans for  
 the accomplishing the object of their union. On  
 the first of February he made his entrance into  
 the Hague, with circumstances of external splen-  
 dour and magnificence, which rather deviated  
 from his habitual simplicity and reserve<sup>10</sup>. He  
 attended

<sup>10</sup> Monthly Mercury, March 1691.

attended the assemblies of the States General, of CHAP. XIII.  
 the States of Holland, and the Council of State; and, in several speeches to them, he gave an account of his past success, and of his future views; and professed a zealous attachment to the welfare of the republic. He next attended the diet of the congress, wherein he represented the formidable condition of France, which could be resisted only by cordial union, strong armies, and vigorous measures. The quotas of troops to be furnished by the several confederate States were specified; and the operations of the campaign determined. After the king had visited the army at Hall, and appointed the general officers, he returned to England, where he was employed, for a short interval, in giving instructions concerning the fleet, the conduct of the war in Ireland, and the appointment of proper persons for supplying the bishoprics which had become vacant, in consequence of the late incumbents having refused to take the oaths to government. On the second of May, he returned again to Holland, to assume the command of the confederate army. The plan of this work does not admit of a minute detail of military operations: it is however necessary to remind the reader of their coincidence in point of time, and their concurring influence with those political measures which are the chief object of my inquiry.

The balance of success in the campaign of one thousand six hundred and ninety had been against the allies. The duke of Savoy had rashly engaged the French army at Salusses, under the command of marshal Catinat, and was defeated; after which, several towns in Italy fell into the hands of

1691.

13th  
April.  
Returns  
to Eng-  
land.Goes  
back to  
Holland,  
and takes  
the com-  
mand of  
the army.Short  
view of  
campaigns  
1690-1.

August.

**CHAP. XIII.** of the latter. In Flanders, the allied army sustained a prodigious shock, in the battle of Flerus, in which four thousand men were killed, and as many made prisoners by the French <sup>1690.</sup> <sup>July.</sup> <sup>12.</sup>

The presence of William, in the campaign one thousand six hundred and ninety-one, did not produce any change of fortune in favour of the confederates. Success still attended the French arms almost in every scene of the war.

**March.** The king of France opened the campaign in Flanders with the siege of Mons; and, by his success in reducing it, gratified his own vanity, and raised the spirits of his troops.

**April.** At the commencement of the campaign, the duke of Luxembourg, the French general, made himself master of Hall, a place which the confederates had strongly fortified; and afterwards he dexterously eluded every invitation and artifice of king William, at the head of a superior army, to bring on a general engagement. After the king left the army, Luxembourg made an unexpected attack upon the confederates commanded by the prince of Weldeck, and cut off a thousand of their men at Leuse.

**Sept.** In Italy, Villa Franca, and

**March.** the forts of Saint Auspice and Mont Alban, surrendered, without resistance, to a detached party under Catinat. The inhabitants of Nice, in opposition to the remonstrances of the governor, admitted the French troops into the city, and afterwards obliged the castle to capitulate.

**March.** Villena, Carmagnola, and other places of inferior strength, soon shared the same fate, and surrendered to the enemy. The duke of Schomberg retrieved, in some measure, the honour of the confederate arms in Italy, by driving the French troop

<sup>12</sup> Life of William, vol. ii. Hist. de France, tom. iii.

troops from Turin and Coni. At the last of these places, the French are said to have lost three thousand men. Carmagnola was also retaken by prince Eugene. The castle of Mount Melian surrendered to Catinat, after standing a siege of two months. None of the allies sustained greater disgrace and injury than the king of Spain. The duke de Noailles, with an army inferior to the besieged, obliged Urgel, in Catalonia, to surrender at discretion, made prisoners of all the troops that defended it, and afterwards made incursions into Arragon. Marshal d'Estrees bombarded Barcelona, set fire to several places in the town, and destroyed the arsenal and storehouses. No material success distinguished either of the armies upon the Rhine. In Hungary only, a quarter in which England and the rest of the confederates were least concerned, the arms of the emperor proved successful. He attacked the Turks in their camp, which he took, with all their cannon, and a great part of their army. He afterwards laid siege to Great Waradin, which surrendered, after a blockade of several months. Some thousands of soldiers, and many officers of rank, were cut off in both armies during the campaign, by a violent, contagious disease. The allies, especially the emperor, sustained a great loss in the death of the elector of Saxony<sup>13</sup>.

C H A P.  
XIII.

1690.

July.

October.

Dec.

1691.

June.

July.

1692.

In the interval between the second and third session of this parliament, several events occurred, which produced a considerable change in political affairs, and in the sentiments and temper of parties

Causes of change in the sentiments and temper of the people and parties in England.

<sup>13</sup> Life of William. Histoire de France, tom. iii.

CHAP.

XIII.

1691.

The re-  
duction of  
Ireland.

ties in general. So long as Ireland continued in a state of rebellion, the revolution, and all the benefits which England derived from it, seemed to rest upon a feeble and tottering basis. Upon the death of William, or the occurrence of an internal commotion in England, a powerful army in the neighbouring kingdom, devoted to the ancient royal family, and reinforced by the aid of France, would have found little difficulty in restoring the scepter to James; an event, thought of with horror by all those who had taken an active part in deposing him. Under these apprehensions, the reduction of Ireland appeared essential to complete and secure the revolution in England, and, after a short pause, was prosecuted by all parties with cheerfulness and liberality. When this cause of national fear was removed, parties began to resume their ancient animosities, and to confound the public interest with private views of resentment and ambition. Some, who thought their services had not been sufficiently rewarded by the king, as well as others who had been entirely neglected by him, watched every opportunity to work upon the jealousy of the nation, by bringing discredit upon his character, and the measures of his government. The expeditious termination of the Irish war appeared to the king an object of such moment, not only upon account of the internal security of England, but the success of the foreign war, that he had instructed his generals, after the battle of the Boyne, to encourage the rebels to lay down their arms, by offering them the most favourable terms, rather than to risk the dangers and expence of another campaign. Hence the indulgences



indulgences granted to the Roman catholics upon the surrender of Limerick, perhaps not less wise than liberal, were maliciously seized upon, to impeach the prudence and justice of William, and to alienate the confidence of his protestant subjects. The confirmation of their property to such a comprehensive description of the Roman catholics as were included in the terms of the peace, was a grievous disappointment to many, whose imaginations had rioted in the spoils and estates of the Irish rebels. A more colourable, and disinterested objection to this article, was founded upon its withholding that proportion of supply arising from forfeitures, which patriotic œconomy had destined to alleviate the heavy burdens laid upon England for defraying the expences of the war <sup>1691.</sup> <sup>5th Octo-ber,</sup> <sup>1691.</sup>

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XIII.

The expence of a foreign war, overlooked and under-rated in the precipitancy with which the nation had rushed into it, from the recent impressions of gratitude to their deliverer, was now found to swell, out of all proportion, to the value of any acquisitions which could be expected from its most fortunate conclusion. The success of the French fleet, mortifying in an extreme degree to England, had first alarmed, and afterwards left a depression upon the spirits of the nation. By that event, it was said, the eyes of the king and his ministers might be opened to discern their past errors, and instructed with respect to the proper plan of conducting the war in future, so long as England lay under the necessity of continuing it. Instead of transporting armies beyond sea, and maintaining them at an immense expence in a foreign camp, the navy, the natural strength

Great expence and ill success of the war.

<sup>15</sup> Higgons' Short View. See chap. xviii.

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1691.

Jealousy  
of the  
king's  
partiality  
to the  
Dutch.

strength and bulwark of England, ought to be augmented, and the principal exertions of the nation confined to the sea. By this plan, expence would be diminished, trade would be protected, and the money, expended in the war, would return and circulate among the people from whom it originally flowed <sup>16</sup>.

But, above all, that jealousy of the Dutch, which commenced with the accession of William to the throne, was insidiously cherished, not only by the disappointed, but by successful candidates for power, and disposed the people to listen with too much avidity to every complaint and misrepresentation, calculated to gratify its malignant spirit, and to increase disaffection to the king and his ministers. It was ungenerously insinuated, that, having lately begun to vie with the States in the extension of their commerce, the English had been seduced into the war by the king, on purpose to interrupt their prosperous career, and to establish the Dutch in a permanent and unrivalled superiority <sup>17</sup>. With more regard to candour and to truth, it was observed, that the war, should it even answer the most sanguine expectations of those who approved it, must principally redound to the benefit of the States. While self-defence constrained them to resist the usurpa-  
tions

<sup>16</sup> The tonnage of English shipping at the revolution amounted to 190,533, which, at the rate of twelve mariners to every 200 tons, required only 11,432 sailors. This may account for the difficulty king William found in manning the fleet, and is an apology for his laying the stress upon a land war. Chalmers' Estimate of the comparative Strength of England, p. 37.

There is no doubt, that the number of men in the English fleet during the war amounted sometimes to 30,000 or 40,000, from which we are led to infer, that the fleet must have been manned with landmen in the proportion of two or three to one.

tions of the French king, it was also obvious, that success would enable them to enlarge and fortify their frontiers, and more effectually secure their future independence; whereas, upon the part of Britain, it appeared a romantic and far-sighted providence, to launch into an expensive war, because she might herself one day be marked out as an appendage to the overgrown empire of France. If such cautious and prophetic policy were to be generally adopted, the contagion of war would submit to no limitation, or restraint, and the frivolous quarrels of petty states would embroil surrounding kingdoms, and be held a sufficient cause for setting the world in flames <sup>18</sup>.

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The articles agreed upon by the confederate princes of the Congress, over which William presided, furnished new grounds of opposition to the war, and the means necessary for carrying it on. To persons, unacquainted with the refinement and mystery of political schemes, it appeared a contradiction to the spirit of the revolution, and the principles which William had always professed, to find him solemnly bound with Roman catholic princes, to join their forces and powers against Lewis, till he should make reparation to the holy see for whatsoever he had acted against it, and till he had annulled all his infamous proceedings against Innocent XI <sup>19</sup>. Other articles, agreed to at the Congress, seemed officiously to interfere with the internal policy of France, and to be so affronting to the dignity, and so intrusive upon the prerogatives of Lewis, to which his people were attached by the strongest affection, that they never could be expected to

Unfa-  
vourable  
views of  
the condi-  
tions upon  
which the  
confede-  
rate pow-  
ers had  
united,

E e

submit.

<sup>18</sup> Warrington.

<sup>19</sup> Article 1.

CHAP. submit to them, unless they were reduced to extreme weakness and despair <sup>20</sup>.

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1691.

and of  
their  
strength.

The events of the war in the course of two campaigns, if they did not afford strong arguments for despairing of final success, yet entirely overthrew those high expectations which had encouraged the nation to enter into it.

A variety of objections were circulated, to contradict the favourable opinions which the people had entertained concerning the force of the confederacy, and the characters of its members. The wavering affections and mercenary views of some of the allied princes, the jarring interests of the courts to which they belonged, the different languages, habits, and discipline of the united armies, and the competitions of their commanders, reduced the actual strength of the confederacy far below the computed standard of the parties concerned, and rendered their common success extremely precarious and remote. The bigotry of the Roman catholic princes, whatever their professions might be, made them, in reality, but little interested about the accomplishment of those objects, which more directly referred to the security of the protestant religion, and the detached interest of protestant states. None of the confe-

<sup>20</sup> The confederate powers were solemnly bound not to make peace with Lewis till he had restored the protestants to their possessions, and granted entire liberty of conscience throughout his dominions. Article 3. Till the estates of France were re-established in their ancient liberties; till the parliaments were restored to their rightful authority; and till all the towns were re-established in their privileges. Articles iv. vi. vii. But what appeared to be still a more vague and impertinent resolution, they were bound to continue the war till the tax upon salt, and other unreasonable taxes and impositions, were abolished for ever. Article v.

derates,

derates, except the English, had kept faith with respect to the proportion of troops they were bound to furnish, and the time of their entering upon action. CHAP. XIII.  
1691.

The embargo laid upon ships, and the necessary expedient of pressing men into the service of the navy, were found, not only to be injurious to the mercantile interests, but productive of inconveniences, which exhausted the patience of the great body of the people who surrounded the seat of government. The article of coals in particular became so scarce and dear in the London market, that it was found necessary to issue a proclamation to exempt all seamen employed in the coal trade, from the service of the navy. No effectual services had been performed by the fleet to balance the misfortunes of individuals, and to flatter the pride of the nation. Examples of corruption, extravagance, and peculation, brought to light by the commissioners of accounts, roused the indignation of the people, and spread a distrust and suspicion of every department of government. It was found in particular, that the charges for the English troops exceeded the nominal muster, and that even this muster fell short of the complement of men voted by parliament. It appeared that some of the most lucrative places were rendered still more so, by an unaccountable exaction of fees, and the sale of offices annexed to their patronage<sup>21</sup>.

Besides these measures and misfortunes, which were the occasion of general discontent, there were offences, which affected particular orders and parties of men, and loosened their attachment to the court and government. The narrow pre-

Losses sustained by the trading part of the nation.

20th July.

Disaffection of many of the members of the church.

<sup>21</sup> Journ. Commons, October, November, 1690.

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judices and jealous bigotry, of many leading members of the church, co-operated, with other causes, to spread in the nation a temper injurious to the reputation and authority of the king<sup>22</sup>. His fond desire of extending religious liberty was represented as an evidence of a latent aversion to the established church, aggravated by ingratitude to a class of men, whose resistance to arbitrary power had prepared the way for his accession to the throne. William not only endured the peevishness and disaffection of some of the bishops, with unexampled patience and moderation, but even pursued measures, hardly consistent with his personal safety, in order to reconcile their affections, and to screen them from the chastisement of that government which they daily insulted. He had struggled, as we have seen, with his ministry, to introduce a clause in the oath bill, for exempting the bishops from obligations of which their consciences did not approve. Unsuccessful in this attempt, he obtained authority from parliament to bestow a modified provision, out of the funds of the bishopricks, upon those, who were restrained from exercising the duties of their functions by the scruples of a tender conscience. When the time allowed for taking the oaths to government had expired, he discovered the most anxious desire to suspend the execution of the law, and for this purpose lord Rochester and sir John Trevor, who had the confidence of the disaffected bishops, were employed to converse with them, and to obtain information, whether they would consent to live peaceably, and to discharge the functions of their office, provided that an

<sup>22</sup> Inquiry into the Causes of the present Distress. State Papers. T. W. vol. ii. p. 96, 97.

indulgence

indulgence could be obtained from the parliament. C H A P. XIII.  
 They continued fullen, obstinate, and unmoved, either by the experience of forbearance, or the hope of future favour <sup>23</sup>. Many months had now elapsed since they had become liable to the penalties of the law. Order, decency, and the interests of religion, might well have justified a rigorous execution of it, when an event occurred which rendered lenity dangerous, and severity indispensable. A conspiracy was discovered, with strong circumstances of suspicion, that some of the clergy, who had not taken the oaths, were accessary to it <sup>24</sup>. The authority of their office, and their sacred character, gave them advantages over the prejudices and the consciences of the people, extremely hurtful to the established government; five of them, therefore, were at last 1691. 1st Febru-  
 deprived of their offices, in terms of the act of ary. parliament.

This event may be considered as productive of a new influence, which had permanent effects on the political transactions of England, and upon the arrangement and strength of parties during this and the succeeding reign. Several of the

<sup>23</sup> Burnet, 1691.

<sup>24</sup> Lord Preston, Mr. Ashton, and Mr. Elliot, were selected by the friends of James, to go over to France, and to concert measures for his restoration, which was thought easily practicable during the absence of William. Having hired a vessel to the coast of France, the owner of it gave notice to the court 30th December 1690. The vessel was permitted to sail, and afterwards boarded, under pretext of searching for seamen. The papers and letters found in Ashton's possession, discovered that a plot had been carrying on for the restoration of James, and that some of the bishops, clergy, and many of the nobility, were concerned in it. Lord Preston, Mr. Ashton, and Mr. Elliot were tried, and the two former condemned. Preston was executed, Mr. Ashton pardoned; there was not sufficient evidence to convict Elliot.

bishops,

CHAP. XIII. bishops, and a great number of the disaffected clergy, hitherto wavering and undetermined, were, from this period, fixed in opposition to the revolution and the act of settlement. A numerous body of the people, who venerated their character, and submitted implicitly to their opinions, improperly confounded their interest with that of the religious establishment, and considered the personal degradation of so many respectable prelates as an alarming presage of the danger and approaching ruin of the church <sup>25</sup>. A controversial war soon commenced between those of the clergy who were deprived, and those who continued in office. The former accused the civil government of a sacrilegious invading the rights of the ecclesiastical jurisdiction; an usurpation more presumptuous, and more injurious to religion, than any measure imputed to the abdicated king. While the acrimony and personal invectives, which both parties adopted in the course of their disputes <sup>26</sup>, weakened the respect due to the sacred character; and gave a deep wound to the interests of religion; in the deprived clergy and their adherents, the members in opposition always found a strong party, ready to forward their schemes of perplexing and thwarting the measures of government.

From the various causes now explained, discontent began to spread over the nation; but did not attain to such force as to occasion any material obstruction to the political designs of the court. It was the cause of delaying, not of de-

<sup>25</sup> Warrington's Speech against arbitrary Power.

<sup>26</sup> The asperity with which the measures of government were attacked by the suffering party, occasioned a proclamation, 9th April, against seditious discourses and libels.



feating the grant of supplies, in the next session of parliament. Somewhat of the temper of the nation was then discovered in the course of every debate; from which it became evident, that, in proportion as the war was prolonged or unsuccessful, the number and influence of its friends would decline.

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The parliament, after several adjournments, met on the twenty-second of October. His majesty called their attention to the success of his arms in Ireland, as an earnest of his future success in prosecuting the war with France. He recommended to them to discharge the arrears due to the army, which had reduced Ireland; and to provide a strong fleet and army, both for defensive and offensive war.

Third session of the second parliament.

The commons agreed that a supply should be granted, for carrying on a vigorous war against France; but, notwithstanding this seeming forwardness to gratify his majesty, several weeks were consumed in disputes about the lists of the army, and other preliminary points; and it was not till the fourth of January one thousand six hundred and ninety-two, that they resolved upon the sum of one million nine hundred and thirty-five thousand seven hundred and eighty-seven pounds, as necessary for maintaining the land forces during that year. In the course of the debates concerning the supply, every opportunity was embraced by the party in opposition, to express their reluctance to any augmentation of the army<sup>27</sup>. The expence of a foreign war was

Backwardness of the commons in granting supplies.

<sup>27</sup> After the number of troops had been agreed upon, it was contended, that officers should be understood as included; though lord Ranelagh, the pay-master, assured the house, that they were provided for in the estimates of the supplies. Grey's Debates, vol. x. p. 185.

grievously

CHAP. grievously complained of, and it was asserted, XIII. that the pay of the army alone amounted to one half of the current cash of the nation : that the 1691. war with France, if unsuccessful, must bring im- Their ill humour. mediate and irretrievable ruin upon Britain ; and that no victories or acquisitions, though corresponding to the most sanguine expectations of the court, could possibly indemnify the nation for the immense waste of blood and treasure, by which they were to be purchased. The respect, due to the dignity and character of the king, was often violated by the party which espoused these sentiments. His passion for a standing army was imputed to other motives, than merely that of circumscribing the power of France ; and it was insinuated, that the liberties of the nation must be at the mercy of a prince, who commanded sixty-five thousand soldiers, the number which the king had specified as requisite for the service of the year <sup>28</sup>. The supplies, however, were rather retarded than restricted by these animadversions. The sum of one million five hundred and seventy-eight thousand eight hundred and ninety-eight pounds was granted for the fleet, including the ordnance, and the expence of building docks at Portsmouth ; which, added to the supply voted for the army, amounted to the sum of three millions five hundred and fourteen thousand six hundred and eighty-five pounds <sup>29</sup>.

Supplies granted.

Inquiry concerning the inactivity of the fleet.  
7th Nov.

An inquiry concerning the fleet, instituted by the commons, excited the anxious expectation, and terminated in the disappointment, of every party. The friends of lord Torrington entertained great hopes that this inquiry would contribute

<sup>28</sup> Grey's Debates, vol. x. p. 175-6, &c.

<sup>29</sup> Journ. Commons, 18th Nov. 1691, 4th Jan. 1692.

to the vindication of his honour, and the reproach of his adversaries. If the inactivity of the fleet should appear to be owing to the misconduct of Ruffel, who now commanded it, they would consider this as a just retribution to that man, whose opinion, forwardly and indelicately obtruded, had impressed his sovereign, and many of the nation, with sentiments unfavourable to Torrington. Should the blame be found to rest with those who were invested with the trust of fitting out the fleet, and directing its service, this would exhibit an exact counterpart to the delay and contradiction of orders, which lord Torrington had represented as the cause of his misfortune; and teach the authors of it, that disgrace and condemnation, though sometimes transferred by superior influence to the guiltless, would at last fall upon the head of those who had actually offended. The nation, as well as parties, felt themselves deeply interested in the issue of this inquiry. The fleet, commanded by Ruffel, had been equipped at great expence; and, when joined by the Dutch, was far superior to the French; and yet nothing had been performed. But though much time was exhausted, and long and keen debates took place, yet no information was obtained, sufficient to substantiate any criminal charge, either against the commanders, or the commissioners of the admiralty. The want of sufficient strength, and of provisions, or the remissness of the admiralty in sending orders, were urged by the friends of Ruffel, as the cause of the delay of sailing in the early part of the season. The disappointment of the blockade at Dunkirk, from which much had been expected, was imputed to the Dutch fleet, which had refused to second the operations of the English. The peculiar good fortune and dexterity of the French, in avoiding an engagement,

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was

CHAP. was the apology made by the English admiral,  
 XIII. for disappointing the nation of the victory and  
 1691. glory, which they had anticipated from the superiority of their fleet <sup>30</sup>.

Bills to  
 check  
 abuses in  
 the re-  
 venue and  
 public  
 offices.

The detection of extravagance, and of abuses in the army and public offices, were not only animadverted upon in the course of the debates upon the supplies; but induced the commons, with great propriety, to introduce several bills for retrenching the salaries of office, and for preventing future abuses of the revenue. These bills, however, were either rejected by the lords, or clogged with such amendments as tended to defeat their very purpose <sup>31</sup>. A bill for ascertaining the commissions and salaries of judges, and rendering them independent, began in the commons, and passed both houses; but the king refused his assent to it. The declining influence of the crown, unequal to the vigorous prosecution of the highest national concern, as well as the dread of conspiracies which broke out at this time, were apologies for withholding the royal assent from a bill essential to the pure dispensation of justice <sup>32</sup>.

<sup>30</sup> Grey's Debates, vol. x. Journ. Commons, 16th, &c. November. Lives of the Admirals, vol. ii. p. 346.

<sup>31</sup> The principal of these were, that the payment of the forces should tally with the actual muster. Journ. Commons, 14th December. A bill against buying and selling offices, 17th December. That all the profits arising from any place in the gift of the crown above 500l. should be applied to the charge of the war, 23d December. So far were the commons consistent in their plans of œconomy, that they contrived to force upon the lords, a bill for continuing the commissioners of accounts, by tacking it to a money bill; 23d Dec.

<sup>32</sup> Eutact, 1691.

The strength and influence of parties continued through this session, almost in the same proportion, as in the two preceding ones. His majesty, after the conclusion of it on the twenty fourth of February one thousand six hundred and ninety-two, threw additional weight into the scale of the Tories, by admitting the earls of Rochester and Ranelagh, lord Cornwallis, and sir Edward Seymour, into the privy council. The earl of Pembroke was made privy seal, lord Cornwallis a commissioner of the admiralty, and sir Edward Seymour a commissioner of the treasury.

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The influence of the tories augmented by a farther change of ministry in their favour.

## C H A P. XIV.

*Motives with Lewis for attempting an invasion of England.—Preparations for it.—Prudence and Activity of Queen Mary.—The united Fleets of England and Holland obtain a complete Victory.—The People dissatisfied.—The Interest of the Confederacy declines.—Short Account of Campaign 1692.—Causes of the Decline of William's Influence in England.—Meeting of the fourth Session of the second Parliament.—Complaint made by certain Lords for having been illegally committed.—The King discharges them.—Motion in the House of Lords, for a joint Committee to give the King Advice—alarming to the Court—rejected.—Articles of Advice proposed by both Houses separately.—Reflections, made by Opposition, on the Conduct of the King, and those employed by him.—The Temper of the Parliament becomes more favourable to the Court.—Expectations of the Whigs.—Breach between the two Houses occasioned by an Inquiry about the Miscarriages at Sea.—A Conference between them.—The lords propose to assess themselves.—A Bill for triennial Parliaments—passes both Houses—rejected by the King—Changes in public Offices.—Campaign 1693.—Partial Changes in Administration.—Meeting of the fifth Session of the second Parliament.—Inquiry into the Miscarriages at Sea.—Corruption discovered.—Lord Falkland sent to the Tower.—Liberal Supplies granted.—The King refuses his Assent to a Place Bill.—Causes of the Compliance of all Parties with the Court during this Session.—Preferments in favour of the Whigs.—Meeting of the sixth Session of the second Parliament.*

*Parliament.—An Act for triennial Parliaments.—Supplies.—Death of Queen Mary.—Her Character.—The Hopes of the Friends of James excited.—Inquiry into the Prosecution of the Gentlemen in Lancashire, suspected of a Conspiracy against Government.—Discovery of Corruption.—Parliament prorogued.*

**A**T no period in the reign of William were his affairs more critical than after his departure for the continent, in the interval between the third and fourth session of the second parliament. From disaffection, intrigue, and conspiracy, no party was entirely free. Besides the number and influence of James's correspondents, many motives induced the French king to attempt more bold and direct exertions in his behalf; and even flattered him with the prospect of making a successful invasion upon the coast of England. The troops transported from Ireland, agreeably to the treaty of Limerick, brought a considerable addition to the French army. It was suspected that a descent upon the coast of France was intended by the English fleet, which suggested to Lewis the anticipation of the same plan, as most effectual for averting the danger with which he himself was threatened. He had found, from the experience of two campaigns, that the wealth and force of England were the sinews of the grand alliance. There remained therefore no hope of weakening or destroying it, but by the separation of England; and no hope of effecting that separation, but by the dethroning of William. The breach between him and the whigs, the notorious predilection of the tories, now in administration, for the hereditary succession, and, above all, the assurance of disaffection in the fleet, encouraged the most sanguine expectation

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1692.  
5th  
March.  
Motives  
with  
Lewis  
for at-  
tempting  
an inva-  
sion of  
England.

CHAP. tion from an attack upon England, conducted  
XIV. by James in person <sup>1</sup>.

1691.  
Prepara-  
tions for  
it.

11th  
April.

24th  
April.

Activity  
and pru-  
dence of  
queen  
Mary.

In order to accomplish this design, the French ships at Brest and Toulon were fitted out with uncommon expedition: all the privateers were recalled, and an embargo laid upon the merchantmen, for the more speedy and effectual manning the navy. Not less than eight or ten thousand troops were moved from the internal garrisons to Normandy and Guienne. King James directed his friends in England to carry on corresponding preparations, and to put themselves in a posture to second the French troops upon their landing. Early in the spring he left Saint Germain's and came to Caen, and afterwards to La Hogue, that he might be in readiness to sail with the French fleet; and finally, a declaration was published by him, expressed in such terms, as seemed best calculated to confirm the resolutions of his friends, and to convert or intimidate his enemies <sup>2</sup>.

The vigilance, prudence, and composure of queen Mary, shone with conspicuous lustre in this season of danger. The fleet was equipped with wonderful celerity; the army was augmented, the militia called out, three regiments were brought from Holland, which, with those

<sup>1</sup> Life of James, 1692. Histoire de France, tom. iii.

<sup>2</sup> In this declaration, James expresses great confidence in the affections of his subjects, and reminds them of the severe treatment he had met with from the prince of Orange and the convention. He mentions the miseries which England must suffer if she did not return to her duty. He prohibits his subjects to pay any taxes for the support of an usurped government: he promises, with a few exceptions, to pardon all who shall return to their duty: he engages to maintain the church of England, and recommends to parliament to allow liberty of conscience.

already



already in England, were encamped near Portsmouth. The parliament was summoned to meet for the dispatch of business. By a seasonable mixture of terror and confidence, held out by the court to the enemies of government, some were overawed, and others allured to fidelity, in the discharge of the important trust committed to them. For, while warrants were issued against the notoriously disaffected, many of the officers in the navy, and sailors, who had been wavering, were overcome by the kind and generous assurances with which the queen professed to rely upon their fidelity and honour<sup>3</sup>.

These measures, seconded by no common share of good fortune, delivered England from the imminent danger of foreign invasion, and internal conspiracy. The combined fleets joined sooner than was expected, were greatly superior to the fleet of France, and obtained a complete victory<sup>4</sup>. But though this victory frustrated the immediate views of James, and diffused a transient gleam of joy over the English nation, naturally captivated with splendid exploits, yet it did not promote such important and durable effects, either with respect to domestic tranquillity, or foreign success, as were expected by the court. As soon as the tumult of popular joy had subsided, critical inquiries into the state of public affairs were resumed, and complaints muttered, because victory had not been complete, in proportion to the superiority of the English and Dutch; nor pursued with wisdom and vigour. The people were not satisfied, because a descent upon the coast of France had not been attempted. The victory at La Hogue, in some respects, was

CHAP.  
L. V.  
1692.  
24th May.

The united fleets of England and Holland obtain a complete victory.  
19th May.

The people dissatisfied.

<sup>3</sup> Burnet.

<sup>4</sup> Lives of the Admirals, vol. ii.

CH : P. injurious to the British trade ; for it being impossible to refit the French fleet again during that season, the failors were employed in privateers, which swarmed on every coast, and committed daily depredations on the merchant ships<sup>5</sup>.

XIV.

1692.

The interest of the confederacy declines.

Other causes increased the number of those who were dissatisfied with the continental war. The spirit and power of the confederacy were declining. Pope Innocent the Twelfth, so far from inheriting the resentments of his predecessor, Innocent the Eleventh, against France, was decoyed by her artful address, to employ his apostolic influence with Spain and with the emperor, in order to persuade them to sheathe the sword, and give peace to Europe. He interceded for the States and princes of Italy, who complained of the oppressive exactions of the Imperial army ; and gave his sanction to negotiations for bringing about a defensive league among them, against the confederate princes<sup>6</sup>. Tempting offers were held out by France, to detach the duke of Savoy from the alliance, and were resisted, only while the allies had it in their power to retain him by more advantageous terms. The elector of Saxony embraced the opportunity, afforded him by the present embarrassed state of the emperor's affairs, of resenting some slight affronts he had formerly received from him, and of withholding his troops from the confederate army. The king of Sweden was also backward in furnishing his stipulated reinforcement. The influence of the Louvestein faction began to revive by the intrigues of Lewis, and marred the alacrity and unanimity with which the States had entered into the war. The perso-

<sup>5</sup> Burnet.

<sup>6</sup> Memoirs of Europe.

nal diligence and ability of king William alone compensated for these disadvantages, by bringing over new supplies of strength to the confederacy, and animating the vigour and resolution, of all its members. As he had been the instrument of fixing the duke of Hanover and the elector of Saxony, in the interest of the confederates, so to his prudent counsel was ascribed the appointment of the elector of Bavaria to be governor of the Spanish Netherlands; a measure which, by transferring into Flanders a considerable portion of the treasure and force of his electorate, put it into a better posture of defence, while the influence, derived from his official connexion with Spain, was employed to promote such a succession to that monarchy, as was agreeable to the views of William and the confederates<sup>7</sup>.

CHAP.  
XIV.  
1692.

The campaign of one thousand seven hundred and ninety-two did not diminish the discontents, or raise the hopes, of the nation. Namur, one of the strongest cities in Flanders, surrendered to the French king. William, at the head of the principal army of the confederates, attacked the French, commanded by Luxembourg, near Steenkirk. The French kept the field: the loss of the allies amounted to above five thousand killed and wounded. Upon the Rhine the duke of Wirtemberg was surprised in his camp, near Edelsheim, by the marquis de Lorges. A thousand of his men were killed, he himself made a prisoner, and the neighbouring country of the States laid under contributions. The success of the allies was not sufficient to counterbalance these losses. In Flanders, a few villages in the possession of the French were bombarded. In

Short account of  
campaign  
1692.

June.

August.

September.

<sup>7</sup> Ralph, vol. ii. p. 341, &c. Burnet.

CHAP. XIV. Spain, things remained in the same state as in the former campaign. The duke of Savoy opened the campaign with great activity; he entered Dauphiné, and had made himself master of Amburn and Gap, when he was seized with the small-pox, which obliged his army to retire and evacuate the places they had taken. A strong suspicion that he availed himself of the pretext of disease to spare France, depressed the spirits of the allies, more than they had been raised by his former exploits and glory.

Causes of the decline of William's influence in England.

The personal influence of William, and the attachment of his English subjects, continued to decline during the summer one thousand six hundred and ninety-two. Those measures which he pursued, in compliance with necessity, it must be admitted, were often of an ambiguous complexion, and might, according to the prejudices of spectators, be traced to the love of power, or the dictates of wisdom. Of this nature was his opposition to some of those bills, which were introduced in the true spirit of the revolution; and which seemed essential, in a more settled state of government, to the pure administration of justice. A bill for amending the laws with respect to treason, a bill for controlling the extravagant prerogatives of the court of chancery, and for establishing the independence of the judges, were defeated, by the indirect influence, or open negative, of the king. This unwillingness, which he discovered to extend the liberty of the subject, was imputed to the same principles and temper, which had generated the grievances of the former reign. The employment

\* Life of William. Histoire de France. Monthly Mercury.

of persons who had been odious instruments of the worst measures, and the example of severity in the trials of lord Preston, and Mr. Ashton, were produced as corroborating evidences of the arbitrary disposition of William. Nor were these circumstances more offensive, than the distinguished confidence with which he treated his Dutch and foreign officers. All these causes of discontent were fostered by the enemies of administration, and circulated in publications, which, in number and acrimony of style, exceeded all of the same nature which had appeared since the revolution<sup>10</sup>.

CHAP.  
XIV.  
1692.

The coalition of individuals and parties, hitherto opposite and irreconcilable, gave a deep wound to the influence of the crown, before the opening of the fourth session of the second parliament. In the two first sessions of this parliament, divisions in both houses were regulated, in a great measure, by the motives and principles of party; and whigs and tories fanged themselves, with more exactness and consistency, under their respective standards. As the jacobites, and whigs out of doors, had of late concurred in arraigning the measures of government, and the conduct of the king, so the whig members, and the tories out of place, often stood upon the

<sup>10</sup> This conduct of William, proceeding partly from the prejudices of his education, seems at the same time to have been justifiable from considerations of usefulness and expediency. The long continuance of peace in England previous to the revolution, occasioned a real want of accomplished and experienced commanders. Except lord Churchill, who, by the force of superior genius, surpassed all his contemporaries of the military profession, it may be questioned if there was another English officer fit to be intrusted with an independent command.

<sup>11</sup> Publications of the Times. Somers's Collections. State Papers. T. W.

CHAP.  
XIV.

1692.

same ground, and coincided in opinion upon those questions which came under the discussion of parliament. The discrimination of parties grows more faint, and their animosities more languid, in proportion to the distance from a general election. On the approach of that event, members of the same party associate and consult together, and reciprocally impart a zeal for their common principles. Rival candidates find it their interest, during a canvas, to cherish every idea calculated to impress their electors with the opinion of their wide and irreconcilable opposition. From repeated promises and declarations, they often catch an enthusiasm for the principles of their party, and engage, perhaps sincerely, to support them; but when intercourse with their constituents becomes less necessary and frequent, various circumstances co-operate to abate the ardour, and confound the distinction of parties. Questions often occur, in which their principles and political interests are at variance. Some adhere to their principles, others, perhaps the greater number, fall in with those measures which tend to secure the pre-eminence, or gratify the resentment of their party. On such occasions the influence of party is impaired, both by internal division, and by the loss of reputation. The ministry, the parliament, and parties, were all, at this period, in such a situation, as to exhibit the full operation of those causes which have a tendency to extinguish divisions, and reconcile such as had formerly been of opposite opinions and interests.

Meeting  
of the  
fourth  
session of  
the second  
parlia-  
ment.

Another session of this parliament was opened on the fourth of November. The king thanked them for the supplies he had formerly received, and

and expressed his hope, that they would continue their advice and assistance, and take the most proper measures for supporting their common interests against the excessive power of France. He mentioned the victory at sea as ground of joy, and wished that the success by land had been answerable to it. The diligence of France, in repairing her fleet and augmenting her armies, was urged as a reason for maintaining the forces of England entire, and granting suitable supplies. A descent upon the coast of France was proposed, and such care and application promised, as were likely to ensure success.

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XIV.

1692.

This session was opened in both houses with evident symptoms of disrespect to the court. Circumstances trivial, and apparently unworthy of record, often indicate the temper both of individuals and societies more expressly, than those interesting facts which better support the dignity of history. Parliament met, as has been observed, on the fourth of November, the anniversary of the king's birth-day, and of his arrival on the coast of England; a day, which seemed to call for some external testimony of gratitude and respect to their deliverer. So far, however, was it from being distinguished, that both houses adjourned for several days, and the lords, after meeting again, instead of considering the king's speech, entered with great heat upon the defence of their privileges.

This subject was brought before them by a Complaint of the lords Huntington, Scarsdale, and Marlborough, who had been committed to the Tower upon the suspicion of treason. The ground of their complaint was, that information had not been given against them on the oath of two witnesses, according to law; and that, at the beginning

Complaint  
made by  
certain  
lords for  
having  
been ille-  
gally com-  
mitted.

CHAP.  
XIV.

1692.  
The king  
discharges  
them.

beginning of Michaelmas term, they were continued under bail, though the parliament was soon to meet<sup>11</sup>. After various debates and resolutions passed by the lords, the king prudently discharged the prisoners, in order to remove a subject which was likely to be made a handle of violent measures against the court. It must have been painful to him upon this occasion to find, that apparent ingratitude towards Marlborough, whom he knew to be treacherous, contributed not only to weaken the interest of the court in the house of lords, but to impair his reputation among the people<sup>12</sup>.

Motion in  
the house  
of lords  
for a joint  
committee  
to give the  
king ad-  
vice.

The king in his speech had mentioned the advice of his parliament, as well as their assistance. The party in opposition in both houses clung to this expression, and annexed to it such a latitude of interpretation, as might authorise the most severe and pointed censures of the measures of the court. It was moved in the house of lords, that a joint committee of both houses should be appointed to confer concerning the state of the nation, and to consider what advice they ought to

<sup>11</sup> Journ. Lords, 7th and 14th November.

<sup>12</sup> The lords had been sent to the Tower upon the accusation of one Young, a man of an infamous character, who had himself been committed to prison for forgery. With the assistance of another prisoner, he framed an association against government, to which he annexed the subscriptions of Salisbury, Marlborough, the archbishop of Canterbury, the bishop of Rochester, &c. in characters so like their hand-writing, as not to be distinguishable from their true subscriptions. The villainy was detected to the satisfaction of the privy council by Spotswood, bishop of Rochester, when confronted with Blackhead, the associate of Young. State Trials.

The confinement of Marlborough after this detection had an ill appearance, but there was too good reason for it, as is evident from the discoveries lately published in Mr. Macpherson's State Papers. See chap. xv.



give the king. The similarity of this measure to **CHAP. XIV.** that which had been adopted, upon the dissolution of government, in the reign of Charles I., as well as its obvious consequences, filled the court with the highest alarm. As the objects to which it referred were indefinite, and arbitrarily selected, it might easily be employed as a warrant for intruding into the most delicate and retired departments of government, while the restricted number of a committee, comprehending the authority of both houses, would give unanimity and vigour to their proceedings. The utmost influence of the court was exerted, and with difficulty procured the rejection of this motion, by a majority of two votes <sup>1692.</sup> <sup>Alarming to the court,</sup> <sup>Rejected.</sup>

But though it was over-ruled, yet the subject of giving advice was, from time to time, resumed in both houses, and became extremely vexatious to the king, as it proved a vehicle for conveying the most disrespectful insinuations with regard to his measures and attachments. It was resolved by the commons, that his majesty should be advised, to fill up vacancies among the general officers with such only as were natives of his dominions; to constitute commissioners of the admiralty persons of known experience in maritime affairs; and to employ in his councils such persons only, whose principles obliged them to stand by his rights against the late king James <sup>Articles of advice proposed by both houses separately.</sup> <sup>14.</sup>

The subjects contained in the address of the lords were not less personal, and still more offensive to the king. They prayed that no foreigner should be of the board of ordnance, or keeper of stores in the Tower of London; that the chief

<sup>11</sup> Journ. Lords, and Lords' Debates, 23 December.

<sup>14</sup> Journ Commons, November, December, passim, and 11th January 1693.

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XIV.

1692.

Reflec-  
tions  
made by  
opposi-  
tion on  
the con-  
duct of  
the king  
and those  
employed  
by him.

governor of the English forces under the king should be a subject born in their majesties dominions; and that he would be pleased to give the precedency to English officers, and to leave in England, for the defence of the kingdom, none but Englishmen<sup>15</sup>.

In the course of the debates on these resolutions, illiberal reflections were thrown out against the foreign generals. All the calamities and disappointments the nation had suffered during the war, were imputed to the prevalence of a foreign influence, and the defeat of the confederate army at Steenkirk; particularly, to the misconduct of count Solmes. The state of alliances, and the reports of the commissioners of accounts, laid before the house of commons early in the session, suggested materials for censuring the conduct of the allies, the exorbitant expences of the war, and the mismanagement of the public funds. While James, it was said, had been ruined by submitting his affairs to the direction of men destitute of principle, William followed the advice of ministers who had avowed the most dangerous principles; and that the constitution was in effect changed, while the most important measures were directed by a few, obsequious to the arbitrary pleasure of the king, without the participation of the privy council, who were his natural and responsible advisers<sup>16</sup>.

The tem-  
per of the  
parlia-  
ment be-  
comes  
more fa-  
vourable  
to the  
court.

Notwithstanding the determined face of hostility to the court, with which both houses had entered upon the public business, yet they not only desisted from the prosecution of harsh measures, but displayed instances of a compliance,

<sup>15</sup> Journ. Lords, 18th February 1693.

<sup>16</sup> Grey's Debates, vol. x. p. 252, &c.

highly

highly gratifying to the king. Several bills for CHAP. XIV.  
 -etrenching the influence of the court proved  
 abortive <sup>17</sup>. The supplies, though for some time  
 delayed, amounted to the sum of five millions  
 seven hundred and fifty thousand pounds. The  
 same land force was continued, and the navy con-  
 siderably augmented. This change in the temper  
 of parliament, and the final triumph of the  
 court, are to be ascribed to great industry and  
 address on the part of the king, assisted by a con-  
 currence of fortunate events. He now began to  
 perceive the necessity of throwing himself again  
 into the arms of the whigs, who slackened their  
 opposition upon the intimation of their ap-  
 proaching pre-eminence. Lord Sunderland,  
 whose political talents obliterated former cri-  
 minality, had now insinuated himself into the  
 confidence of their leaders, and proved a suc-  
 cessful agent for the king, by softening the vio-  
 lence, and reconciling the affections, of that  
 party <sup>18</sup>. A breach between the lords and com-  
 mons, occasioned by an inquiry into naval af-

1692.

Expec-  
 tations of  
 the whigs.

Breach  
 between  
 the two  
 houses,  
 occasioned  
 by an in-  
 quiry  
 about the  
 miscarri-  
 ages at  
 sea.

<sup>17</sup> The fate of the bill for amending the laws respecting  
 treason was remarkable: after being pursued with great zeal by  
 opposition, it was not only dropped, but made the foundation of  
 a bill for the better preservation of his majesty's person.

The complaisance of the commons, with respect to the bill  
 for ascertaining the salaries of judges, was still more unaccount-  
 able. It had passed both houses in the last session, and was re-  
 jected by the negative of the king. As it had originated with  
 the commons, their honour was particularly affected by its re-  
 jection. Here then they had an opportunity of contending  
 against the crown with every advantage; the strength of their  
 cause, the approbation of their constituents, their former suc-  
 cess, thwarted only by a measure which the king durst not re-  
 peat, without losing more than he could gain; yet this bill was  
 thrown out by the commons after a second reading. Journ.  
 Commons, 17th December.

<sup>18</sup> Burnet.

fairs,

CHAP. fails, interrupted that unanimity which subsisted  
XIV. between them, and at last engrossed that zeal

1697.

11th Nov.

8th, 10th,  
19th De-  
cember.

20th Dec.

which was at first devoted to the depression of the court. After the victory at La Hogue, the inactivity of the English fleet, during the remainder of the season, exceedingly disappointed and provoked the nation. All parties agreed, that there had been some mismanagement, though on whom it was chargeable a diversity of opinions prevailed, some ascribing it to the commanders, and others to the court of admiralty. The house of commons, by a vote of thanks to admiral Russel, discovered a precipitate and partial approbation, which involved the censure of the earl of Nottingham, who conducted the naval department, and was therefore supposed to be answerable for that mismanagement, of which Russel was thus virtually acquitted. The lords, exasperated by the vote of the commons, shewed the most anxious concern to vindicate the earl of Nottingham. To accomplish this with a strict regard to justice, they examined the various orders which had been issued by the admiralty, and the several letters which had passed upon the subject of these orders between lord Nottingham and Russel; after which they came to a resolution, that an account of their proceedings, together with the papers on which they were founded, should be sent to the other house, thereby insinuating that the commons had decided without information. The commons, angry at a resolution which implied such an impeachment, repeated their approbation of admiral Russel, and declared, that, during the last summer's expedition, he had acquitted himself with fidelity, courage, and conduct.

The lords demanded a conference. With this demand

demand the commons complied; but in a way <sup>CHAP. XIV.</sup> still more contemptuous and irritating, than if <sup>1693.</sup> they had refused it; for they instructed their commissioners to make no reply to any arguments, and only to report what they heard. <sup>A conference between the two houses.</sup> It was probably, in resentment of this disrespectful treatment, that the lords made an attempt to interfere with the commons in a department, which the latter had always considered as their sole and peculiar province. <sup>2d Jan. The Lords propose to</sup> When the bill for the land tax was brought up to the house of lords, it was moved and carried, that the lords should assess themselves, and name a collector of their own <sup>10th Jan.</sup> This amendment was rejected by the commons with great heat, and a conference demanded upon it; and though the amendment was defended with ability, yet the emergency of the state, and the disapprobation of the people, obliged the majority in the house to recede from it, and afford a new triumph to the commons.

This fluctuation of sentiments, apparent from the conduct of individuals, and of parties, ex-

<sup>19</sup> Ralph, vol. ii. p. 397. Burnet and all the whig historians have added their testimony, in behalf of Russell, to that of the commons; and the Author of the *Lives of the Admirals* has adopted their views, vol. ii. p. 367, 375.

From the papers produced, in that inquiry it appears, that though a descent upon the coast of France, as planned by the ministry, was attended with difficulties of which they were not aware; and that, in some instances, their instructions to the commanders were long delayed, and after all, were not perfect; yet, on the other hand, Russell, and the commanders under him, were exceedingly disposed to exaggerate the difficulties of the expedition, and the errors of the ministry. They did not make the exertions which were in their power, and alleged the most frivolous excuses in their vindication. From late discoveries there is too much reason to suspect the conduct of Russell at that period. See chap. xv.

<sup>20</sup> Journ. Lords, 16th Jan.

CHAP.

XIV.

1693.

A bill for  
triennial  
parlia-  
ments,

passes  
both  
houses;

rejected  
by the  
king.

Changes  
in public  
offices.

3d March.

cited great complaints of corruption, and convinced both houses, that some measures were necessary to maintain the purity and reputation of parliament<sup>21</sup>. A bill for this purpose having passed the house of commons, and been thrown out only by two votes in the house of lords, opposition was again encouraged to introduce another to the same effect in the upper house<sup>22</sup>. The substance of it was, that a new parliament should be assembled every three years, and a session held every year. The efforts of the court could not prevent its passing in both houses; and the king, apprehensive of its reducing the power of the crown, was forced to have recourse to the unpopular method of suppressing it by his negative. This session of parliament was concluded on the fourteenth of March.

Admiral Russel was dismissed from his majesty's service on the twenty-fourth of January, and the command of the fleet given to admirals Killigrew, sir Ralph Delaval, and sir Cloudesley Shovel. Sir John Lowther, Henry Priestman, lord viscount Falkland, sir Robert Rich, sir Ralph Delaval, were appointed lords commissioners of the admiralty. Although this choice was supposed to have been directed by lord Nottingham, yet a greater interest was thrown into the scale of the whigs, by putting the great seal into the hands of sir John Sommers, and appointing sir John Trenchard secretary of state. As some compensation to Russel, as well as to avert the resentment of his friends, he was appointed treasurer of the household.

<sup>21</sup> Burnet.

<sup>22</sup> Journ. Commons, 22d Dec. Journ. Lords, 3d Jan.

The confederate armies were chiefly employed in a defensive war during the campaign of 1693. In the Netherlands, Charleroy and Huy were taken by Luxembourg. In the Palatinate, Heidelberg, Spire, Manheim, and Frankendale fell into the hands of the French army under the marquis de Lorges. The marshal Luxembourg attacked the allies commanded by king William in their camp near Landen. The advantage of the ground, over-rated by the latter, induced him to decline the advice of his generals, to retreat. His army, though compelled to give way to superior numbers, made a brave resistance, and disappointed the enemy of the fruits expected from their victory. The confederates lost seven thousand men, and count Solmes, an experienced general. In Piedmont, the allies, commanded by the duke of Savoy, were defeated by the French, under the marshal de Catinat. Marshal de Noailles took possession of Roses, a seaport town in Catalonia. The success of the French fleet, as it was the less expected, was the more mortifying to England. The French had not only refitted their ships, but made a considerable addition to their navy, by arming the largest merchantmen. The loss of trading vessels, to England exceeded that of any former year; eighty of them, amounting to one million sterling, were taken and destroyed, off Cape Saint Vincent's, by the Toulon squadron. Two Dutch ships of war and one English, belonging to the united fleets under admiral Rooke, fell into the hands of the enemy. Four of the largest Smyrna ships, and one Dutch man of war, were burned or sunk at Gibraltar; and several English and Dutch ships destroyed by the French fleet at Malaga. Saint Maloes was bombarded by captain Bembow, which was the occasion of alarm and terror, rather than of any material injury

CHAP.  
XIV.1693.  
Campaign  
1693.

May.

July.

October.

May.

CHAP.

XIV.

1693.

28th Oct.  
Partial  
changes  
in admi-  
nistration.

jury to the enemy. To conclude the disasters of this campaign, sir Francis Wheeler, who had been sent out, early in the season, with a squadron against the French islands in the West Indies, was repulsed in several attacks, and many of his men perished by sickness, as well as by the sword <sup>23</sup>.

Such accumulated losses could not fail to dispirit the nation. In former campaigns some ingredients of prosperity had been intermingled with misfortunes, and contributed to alleviate the disappointments, and sustain the fainting hopes, of the people; but now, every element, and every region exhibited calamity and disgrace.

When the king returned to England, he found it necessary to make a partial change in administration, in order to blunt the weapons of opposition, whetted by the ill success of his affairs. Admiral Russel, whose cause the whigs had espoused, was again appointed to the command of the fleet, and the earl of Nottingham was dismissed from his office of secretary of state <sup>24</sup>.

The

<sup>23</sup> Life of William, vol. ii. Histoire de France. Lives of the Admirals, vol. ii.

<sup>24</sup> The restoration of Russel to the command of the fleet, is imputed by Mr. Macpherson to the direction and influence of James. "James," says he, "requested admiral Russel, who had continued his communications with the court of St. Germain, to endeavour to procure the command of the fleet. He desired him to suppress his resentment for his late disgrace. He intreated him to command his temper, to regulate his conduct with prudence and reserve, and to raise no enemies that might obstruct his designs. The intrigues of James prevailed. William evidently fell into the snare. The adherents of the late king insinuated, that to restore Russel to the fleet, was to soothe the nation for the miscarriages at sea. He was accordingly placed in his former office 6th November." Macpherson, vol. ii. chap. i. 1693. This account



The king met his parliament on the seventh of November. He regretted their losses by land and by sea; the former he imputed to the superior force of the enemy; the latter he styled miscarriages, and promised his endeavours to bring the authors of them to punishment. He urged the necessity of increasing the land and naval force, which must require a liberal supply.

CHAP.  
XIV.

1693-4.  
Meeting  
of the  
fifth ses-  
sion of  
the second  
parlia-  
ment.

The

count of Mr. Macpherson is founded upon a paper, entitled, Instructions to the Countess of Shrewsbury, to the Earl of Shrewsbury, &c. &c. dated 16th October 1693, in which are the following words; "It is his majesty's pleasure, that you let Admiral Russel know, that his majesty desires him to get the command of the fleet from the prince of Orange, &c." Macpherson's State Papers, 1st October 1693.

A few remarks on this subject will justify an observation that has already occurred, namely, how ready authors are to overrate the importance of facts which they have been so fortunate as to discover, and to stretch the conclusions drawn from them.

It may be disputed, whether James and his friends could have more reason to rely upon Russel's services, than those of the principal admirals in commission last season. Two of them were certainly in his interest, and therefore he could have no reason for wishing Russel to be employed, in preference to them. It is evident that James's friends entertained great suspicions of Russel. See chap. xv. Nay, the resolution which Russel himself avowed while intriguing with James, that if he met the French fleet he must fight them; and the fatal experience James had acquired of Russel's adherence to this resolution when he defeated the French fleet at La Hogue, must have rendered the consequence of Russel's being employed extremely doubtful, and indeed, most probably, adverse to the interest of James.

Were not the former success of Russel, his popularity, and the offence occasioned by his dismissal, sufficient reasons for determining William to recal him to his service, independently of any direct and treacherous influence employed by the friends of James for that purpose? Is there any evidence for the assertion of Mr. Macpherson, "that the adherents of the late king insinuated, that to restore Russel to the command of the fleet was to soothe the nation for the miscarriages at sea?" Do any of the cotemporary historians authorise this assertion, or ascribe William's replacing Russel to the advice of any person whatever?

## CHAP.

## XIV.

1693-4.  
Inquiry  
into the  
miscarri-  
ages at  
sea.

The commons, after an unanimous resolution to grant a supply, and to support the government, apparently entered with great earnestness upon an inquiry concerning the miscarriage of the fleet. They examined the petitions of the Turkey company to the admiralty for convoys, and copies of the instructions and orders sent to the commanders of these convoys, and the commanders themselves; and they at length resolved, that there had been mismanagement, but virtually acquitted the admirals, by putting a negative upon a motion to censure them <sup>25</sup>. The lords proceeded a step farther in favour of the admirals, resolving that they had done well in the execution of their orders <sup>26</sup>. In the course of the debates upon this subject, there appeared a great proneness to render it subservient to the interest of party; the whigs evidently wishing to throw the whole blame upon lord Nottingham, and the Tories upon Mr. Trenchard. The court, dissatisfied with this partiality, became more reserved in giving the information called for by the lords. They themselves began to grow weary of the business, and it was at last suffered to drop, without yielding either to the nation or the court that satisfaction

whatever? The authenticity of the instructions to the counts of Shrewsbury is not called in question; but it does not follow, that these were the cause of Russel's being employed. The co-existence of events is no evidence of causality, or reciprocal influence. It is submitted to the decision of the impartial reader, whether the great probability of Russel's being again employed, for the reasons already mentioned, might not be the occasion of James's anticipating the request of Russel, if he was engaged in correspondence with him; and of alluring him to his service, by giving him his sanction, or rather his advice for doing a thing, which he was of himself very much disposed to do.

<sup>25</sup> Journ. Commons, 17th November, 6th December, 1693.

<sup>26</sup> Journ. Lords, 10th January, 1694.

which they expected, from the earnestness of both houses in beginning an inquiry <sup>27</sup>.

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If the commons had been inclined to be troublesome to the court, they would have found ample materials in the reports of the commissioners of accounts. From them it appeared, that above a million sterling of arrears of wages was due to the sailors; while lord Falkland, one of the commissioners of the admiralty, obtained for himself a grant of two thousand pounds, out of money levied for the use of the navy. Large sums had been expended for secret services: pensions had been granted to many, to accommodate the king's political arrangements. It was matter of astonishment to observe, that admiral Russel had received ten thousand pounds for his services, at a period when the merit of them had been called in question, and when it was believed that he had fallen under the royal displeasure. Considerable sums had also been issued, to assist candidates in the interest of the court, in defraying the expence of their elections <sup>28</sup>. These discoveries gave occasion to debates, in which the conduct of individuals was severely censured; but the actual infliction of punishment was confined to lord Falkland; who, after being reprimanded by the

1693-4.  
Corruption  
discovered.

<sup>27</sup> Upon a full and candid examination of all the facts relating to this business, it appears, that there had been either negligence or treachery in the admiralty, who did not communicate to the commanders the intelligence they had received of the sailing of the Brest fleet; that the admirals had been negligent in not endeavouring themselves to obtain intelligence concerning that event; that after they had unexpectedly met the French fleet, they had acted with great presence of mind, and had done all that could be done to save the transports. Ralph, vol. ii. p. 470-1. Lives of the Admirals, vol. ii. p. 392.

<sup>28</sup> Journ. Commons, November, December, passim. Grey's Debates, vol. x.

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1693-4  
Lord  
Falkland  
sent to  
the Tow-  
er.

Liberal  
supplies  
granted.

house, was committed to the Tower, for having been guilty of a misdemeanour and breach of trust<sup>29</sup>. But neither the discovery of internal corruption, nor the recent experience of public misfortunes, had any effect in restraining the liberality of the commons, or discouraging their compliance with the court. In conformity to the king's desire, six regiments of horse, four of dragoons, and fifteen of foot, were added to the army. The whole of the supplies granted by this session amounted to five millions four hundred and forty-seven thousand two hundred and eighty-two pounds. A sum of such extent was the most substantial evidence of the good disposition of the commons towards the court; nor was this disposition less conspicuous by what they did, than by what they avoided to do. Though the complaints from Ireland referred to striking examples of the misapplication of the forfeitures, and of abuses committed by the agents of ministry there, yet every motion to inquire into them, or to redress them, was over-ruled<sup>30</sup>. No objection was made to the continuance of the war, which, it was believed by many, might at that period have been brought to a conclusion, upon terms honourable and advantageous to England<sup>31</sup>.

A short

<sup>29</sup> Journ. Com. 9th, 16th, 19th Feb. 1694.

<sup>30</sup> Ibid. December and January, passim.

<sup>31</sup> The Tories in general were believed to be averse to the continuance of the war; and yet, whether it was from the dread of public censure, or of the irretrievable loss of power, by disobliging the king in his favourite point, they acquiesced in the most liberal grants of money, the augmentation of the army and navy, and all other measures tending to the prolongation of the war.

The internal distress of France, occasioned by famine, rendered the French king desirous of peace. Monthly Mercury, December

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A short interruption to the good understanding which subsisted between the king and the house of commons, was occasioned by the resolutions adopted by them, after he had a second time refused his assent to a place bill, presented with some money bills, which were extraordinary expressions of their bounty. A committee was appointed to consider the state of the nation; and they addressed the king, expressing their grief for his having rejected a bill necessary to the vindication of their honour: but when a motion was made to address him again upon the same subject, it passed in the negative, by no less a majority than two hundred and twenty-nine against eighty-eight<sup>12</sup>.

1693-4:  
The king  
refuses his  
consent to  
a place  
bill.

The moderation and good temper displayed by the commons in the course of this session, could not be owing to any want of opportunity, or arguments of complaint against administration. The misfortunes of the nation abroad, the discovery of corruption at home, and the oppressions exercised in Ireland, afforded abundant materials, if parliament had been disposed to use them. Circumstances, in every view so favourable to opposition, were however counteracted by peculiar causes, which operated strongly upon individuals and parties. A concise detail of these causes may not be unworthy of attention, as they display the character of the times, and exhibit a specimen of what may be expected, in similar situations, to produce the same effects.

December 1693. A memorial was presented to the court of England, specifying terms, which amounted nearly to the restoration of the most important places taken from the allies; but there was no mention of acknowledging the title of William, which probably was the cause of their not being listened to.

<sup>12</sup> Journ. Commons, 27th Jan. 1st Feb. 1694.

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1693-4.  
Causes of  
the com-  
pliance of  
all parties  
with the  
court  
during  
this  
session.

1. The interval between the removal of one administration and the establishment of another, is favourable to political tranquillity and the authority of the court. The approach of prosperity, or the recent attainment of it, naturally excite, in persons of every station, a flow of good humour, which disposes them to civility and kindness towards all with whom they are connected, in the intercourse of conversation or business. The smiles of the court, turned to the party in opposition, are considered as a token of future favour, and invite such returns of complaisance as open a channel for an entire and a cordial reconciliation; while those, who are threatened with the loss of power, become assiduous in expressions of respect and obedience to the prince, as the most probable means of preserving or resuming their station. The court, the ministry, and opposition, were exactly placed in the circumstances now described at the opening, and during the continuance, of the fifth session of this parliament. The expectations of the whigs had been industriously cherished, and at last their interest was considerably advanced, by the appointment of lord Somers to the great seal, and of Trenchard to the office of secretary of state. But still the resolutions of the court seemed to be wavering; and lord Somers complained, that, in the distribution of law offices, he did not enjoy that influence which belonged to his appointment<sup>33</sup>. The hopes of the whigs were however still kept alive, while the Tories were not immediately driven to despair. The lieutenancy of London, which had been changed

<sup>33</sup> Somers' letter to king William, *Miscellaneous State Papers*, vol. ii. p. 426.

in favour of the latter at the beginning of this parliament, was gradually restored to the former; and the ascendancy was again in their hands at the opening of this session. The removal of lord Nottingham, upon the eve of the session, seemed to confirm the most pleasing expectations of the whigs; but the protracted vacancy in that office again excited suspense, and promoted an emulation of both parties, in submissive and compliant behaviour to the court. The tories maintained a majority in the house of commons; but the whig interest was increasing in the administration, and among the people. If the former had obstructed the business of the nation, and thwarted the measures of the court, it might have provoked the king to dissolve the parliament, by which the pre-eminence of the whigs would have been confirmed.

2. The tories, at the present interesting crisis, had not merely to struggle for the retention, or the recovery of power; but to exert no small degree of address and accommodation to circumstances, in order to screen the most respectable members of their party from legal censure, and public disgrace. The misfortunes, or miscarriages of the campaign 1692, had been divided between lord Nottingham and Ruffel, and the people acquitted or condemned, according to their personal or political attachments: but the miscarriages of the last naval campaign centered entirely in the tories. Of the three commanders of the fleet, two, namely Killegrew and Delaval, were in their interest. If the commanders were acquitted, the guilt reverted to lord Nottingham, who was the head of their party.

3. The

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1693-4.

3. The correspondence carried on at this period between James and many persons in England<sup>34</sup>, who were either candidates for office or already invested with it, promoted concessions to the will of the court; which could not have taken place, if conscious innocence had emboldened them to avow such principles, and pursue such measures, as they believed to be agreeable to the interest of the kingdom. None are so studious to maintain the appearance and external forms of honesty, as those who are secretly convicted of transgression. It has often been observed, that those servants, who have been afterwards detected in secret fraud and breach of trust, had long deceived their masters by the apparent exactness of their fidelity, and the ostentatious disinterestedness of their conduct, in the discharge of ordinary and frivolous duties. Treacherous ministers will be always most forward in professions of loyalty and attachment to their prince. There were few about the court of William, who were not occasionally inveigled by the agents of James. Conscious of engagements to him, they must have lived in a perpetual dread of detection, which rendered them anxious to preserve fair appearances; and to catch every opportunity of diverting the suspicion, and obtaining the confidence of their master. This correspondence did not elude his penetrating eye; but, dexterous as he was in the art of political chemistry, he extracted medicine from poison; and made their treachery the means of counteracting the purpose for which it was encouraged by his rival. By generosity, by threats, by availing himself of the intelligence of conspirators, he constrained those very persons, who were the most able and the most dis-

<sup>34</sup> See Chap. XV.



posed to pull him from his throne, to become the chief instruments of securing his possession of it. If there had been more integrity in his ministers, and more attachment to his person, his life and government might have been exposed to less hazard; but he would not have enjoyed the same free and uncontrolled scope for pursuing his favourite measures, as he did, while those who served him were under the perpetual alarm of being detected, and becoming either the victims of his vengeance, or the monuments of his mercy.

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4. There is strong reason to conclude, from external appearances and from the effects produced, that not only fair industry and address, but that indirect means were employed by the court, to procure the consent of the leading members in both houses, to measures which did not accord either with their private sentiments, or with the views of their party<sup>22</sup>. The marquis of Carmarthen still continued at the head of the council, and supported the court. The earl of Rochester, increasing in favour with the queen, was not likely to thwart the inclinations of her husband, to which she was ever submissive. The marquis of Halifax, who had entered almost on every occasion into the views of opposition, since the commencement of this parliament, now stood forth an advocate for the necessity of taxes and the continuance of the war<sup>23</sup>. These, and many similar circumstances, created a suspicion that expectation was fed, or present interest gratified, in a way not less effectual, than by the open distribution of pensions and offices,

<sup>22</sup> Burnet, 1692.

<sup>23</sup> Ralph, vol. ii. p. 467.

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Prefer-  
ments in  
favour of  
the whigs.  
4th  
March.

April.

3d May.

June.

July.

August.

The king put an end to this session of parliament; and, soon after, the victory and triumph of the whigs were completed. Lord Shrewsbury had already accepted the seals: the admiralty and treasury were changed in favour of the same interest: Mr. Montague was made chancellor of the exchequer. Even titles of honour, distributed with a profuse hand, were almost entirely confined to this party: of five dukes now created, four were whigs<sup>37</sup>.

The king sailed for Holland in the beginning of May. The confederate fleet was early at sea, but did not perform any important service. The French fleet industriously avoided coming to an engagement. An attempt to destroy the harbour of Brest, conducted by lord Berkley and general Talmash, proved unsuccessful, from the intelligence of that design having been conveyed to James by the earl of Marlborough<sup>38</sup>. The bombardment of Dieppe and Havre de Grace spread great alarm over the adjacent coast of France; but redounded little to the honour, or advantage of the English nation. The only naval success was the destruction of a large fleet of merchantmen in Bertram bay, by captain Pritchard of the Monmouth, attended by fire-ships.

No important action happened in Flanders. The French army under the dauphin, by expeditious marches, obtained possession of some advantageous posts on the Scheld; and prevented the allies from accomplishing their design of penetrating into French Flanders.

<sup>37</sup> Tindal, vol ii. p. 469.

<sup>38</sup> Letter of lord Churchill to James, Macpherson's State Papers, 1694.

A detachment from the allied army, com-  
manded by the prince Tserclaes de Tilly, took  
the town and castle of Huy; and drove the  
French out of the bishoprick of Liege.

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1694.  
Septem-  
ber.

In Catalonia, the Marshal de Noailles, with a  
superior army, forced the Spaniards to retreat;  
stormed and plundered the town of Palamos, be-  
sieged and took Gironne, Ostelric, Castle-folet;  
and intended to have finished his career of victory  
with the siege of Barcelona; but was prevent-  
ed by the arrival of the English fleet, com-  
manded by admiral Russel.

May.

June.

In Piedmont, secret negotiations, carried on  
between the French and the duke of Savoy, ren-  
dered both armies inactive.

On the Rhine, prince Lewis of Baden failed  
in repeated attempts to bring the French army,  
commanded by the marquis de Lorges, to an en-  
gagement. He was successful in getting possession  
of Wiselock; and, after destroying some of the  
French magazines, repassed the Rhine<sup>39</sup>.

The king arrived from Holland on the 9th of  
November; and the parliament met on the 12th.  
He referred to the success of the campaign in ex-  
pressions of moderation, suitable to the true state  
of events. The necessity of large supplies was  
urged; and it soon appeared, that the king was  
determined to make a very desirable concession

to the nation, in order to encourage their libera-  
lity. An act for shortening the duration of par-  
liaments run through the forms with celerity;  
and almost without any opposition in either  
house<sup>40</sup>. The supplies kept pace with the trien-  
nial

Meeting  
of the  
sixth ses-  
sion of  
the second  
parlia-  
ment.

An act  
for trien-  
nial par-  
liaments.  
Supplies.

<sup>39</sup> Life of William, vol. ii. Histoire de France, tom. iii.  
Lives of the Admirals, vol. ii.

<sup>40</sup> Though it was enacted by the bill, that no parliament,  
after the present, should be continued more than three years;  
yet

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Death of  
queen  
Mary.  
Her char-  
acter.

nial act, and exhibited the reciprocal good will, which now subsisted between the sovereign and his parliament. Near five millions were cheerfully granted for the expences of the war <sup>41</sup>.

The death of the queen, on the twenty-eight<sup>th</sup> of December, interrupted the proceedings of parliament, and was sincerely lamented, both on account of her private virtues, and the shock which it was likely to give to the new government. Few characters have been more extolled by friends, or more virulently traduced by enemies, than that of Mary. Unconnected with, and uninfluenced by party, we can be at no loss to perceive, that her friends have founded their encomiums, upon the evidence of a temper and qualifications honourable to the human character; while the detraction and calumny of her enemies referred to facts extremely doubtful, and to circumstances, occasioned by the peculiar difficulties of the part she was called upon to act. She possessed, in an eminent degree, all those accomplishments and graces, which constitute the merit of her sex in domestic life. Her affability, mildness, and delicacy, captivated the affections of her companions and dependants. Such dexterity and prudence in the management of parties, such discretion and activity in the most critical state of affairs, have rarely been found in a person, so little addicted to ostentation, and so averse to interfere in public business. So devoid was she of ambition, and so indifferent to personal grandeur, that she not only rejected the services of those,

yet the present subsisting parliament might be continued, if the king pleased, till the first of November in the following year. For this reason a protest was entered against it in the Journals of the Lords, but it was signed only by four peers. Journ. Lords, 18th Dec. 1694.

<sup>41</sup> Journ. Commons, Nov. Dec. 1694 Jan. &c. 1695.

who

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who were disposed to prefer her right to the crown before that of her husband, but she would not even participate of the administration while he was in the country, nor did she so much as aspire at the influence, to which her station and merits entitled her. Her exemplary devotion, her zeal for the protestant religion, her conscientious disposal of ecclesiastical preferments, her patronage of useful designs, and application to good works, render her memory precious to the friends of religion and virtue. If, upon particular occasions, natural affection seemed to be languid, or suspended; if she appeared harsh and undutiful, by consenting to the dethronement of her father, or by espousing, with apparent animosity, the quarrel of her husband with her sister, her conduct in such instances may be fairly ascribed, not only to a respect for her duty as a wife, but to the singularly critical situation of him, to whom she stood in that relation. Nothing less than the most cordial and unequivocal approbation of the conduct of her husband, could have obtained, or preserved to him, that authority, which he derived from his relation to her. Whatever painful emotions she might feel, from the disgrace of her father, or from coming to a breach with her sister, yet prudence required the concealment of them, to secure the reputation and safety of that person, who was the dearest object of her affection, and the prosperity of that cause, which, from the pure influence of principle, she was zealous to promote.

The death of the queen gave a new spring to the hopes of James and his friends <sup>42</sup>. Her popularity,

The hopes  
of the  
friends of  
James ex-  
cited.

<sup>42</sup> Life of James, 1695.

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pularity, and her prudence in domestic life, and in the exercise of government, had hitherto provided the affections of many, whose principles were favourable to the lineal succession, and encouraged the exertions of her father's adherents. The members of the present parliament, deeply involved in the supposed crime of William's usurpation, by the measures they had taken to establish it, and by the offices and emoluments which they derived from his authority, were induced by every consideration of safety and interest, to keep a vigilant eye upon the friends of James, and exercise their public and private influence to defeat every plan for restoring him. But it was naturally expected, that, upon the death of Mary, a great proportion of the influence, which had hitherto supported her husband, would revert to her father. Under this impression, the approach of a new election was deemed an event singularly favourable to his interest; and it was believed, that representatives would be returned unconnected with the present government, and free from all ties to give it any support. The triennial bill, however, as we shall soon have occasion to shew, contributed, with other causes, to produce effects, the reverse of those, which seemed so probable in speculation.

An unsuccessful attempt was made, in the course of this session, to cast an odium upon the king and ministry, by bringing under the inspection of parliament a prosecution, carried on the preceding summer, at the instance of government, against several gentlemen of Lancashire, suspected of a conspiracy against government. The prosecution had failed for want of evidence of the charges, and one of the informers had declared

declared, under the solemn professions of repentance, that the whole was a malicious plot, which they were encouraged to invent by the solicitations and reward of government. The trials were discontinued, and unfavourable impressions of the king and his ministers left upon the minds of the people. To render their triumph more public, and more disgraceful to government, the gentlemen, who had been prosecuted, now brought their complaint into parliament, under the auspices of opposition. They were disappointed of success; for, after the examination of evidence, and of various papers relative to the subject, both houses agreed, that there had been sufficient ground for instituting the prosecutions, though they had not terminated in the conviction of the persons suspected <sup>43</sup>.

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Some remarkable discoveries, in the course of this session, made it evident, that the jealousy of the nation concerning the prevalence of corruption of discovery.

<sup>43</sup> In political history events often occur, so mysterious and perplexing, as to exercise ingenuity in balancing the weight of evidence, in order to fix an opinion concerning any matter in dispute. The Lancashire plot was of this kind, and divided, not only, the sentiments of the nation, but of men of the same political principles. Most of the friends of William, notwithstanding the issue of the trials, gave credit to the existence of the plot. The partisans of James, many who stood neutral to any party, and even some of the friends of William, disbelieved it. As the infamous character of Taffe, who first joined in the information, and afterwards retracted, not without suspicion of his being disappointed of the rewards he expected, or bribed by the friends of the Lancashire gentlemen, still left many in doubt with respect to the innocence of the latter, notwithstanding the deficiency of proof, so the coincidence of the supposed crimes, with the actual intrigues of the agents of James, in England, and with the tenour of the correspondence held with his friends there at that period, will now remove every doubt concerning its reality.

tion

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XIV. and increased their impatience for its dissolution

1695.

The unexpected and sudden conclusion of a business of the East-India company, and of the London orphans, which had been depending during successive sessions, awakened the suspicion of corrupt influence. From an inspection of the books of the East-India company, and the examination of witnesses, it appeared, that great sums of money had been paid to members of parliament, and persons of interest at court, for obtaining the renewal of their charter: and that particularly five thousand pounds had been lent to a servant of the duke of Leeds, upon strong circumstances of suspicion, that it had been done with his consent, or accepted by him. The commons drew up articles of impeachment against the duke; but were prevented from proceeding in them, by the dissolution of parliament.

The same laudable spirit of investigation brought to light another example of corruption, which, as it was attended with clearer evidence, reflected, at the same time more immediately upon the house of commons. The settlement of the debt, due to the orphans by the city of London, which had been solicited in vain during several sessions, was at length obtained. The credit of parliament for integrity and justice must have been sunk to a low ebb, when suspicion went abroad, that this had not been accomplished without nefarious influence. The suspicion was but too well founded, for sufficient evidence was produced, that sir John Trevor, the speaker of the house of commons, had received a bribe of a thousand guineas, for the service he had done in this



s affair \*\*. For this offence he was justly ex- CHAP.  
led the house. XIV.

This session of parliament ended by proroga- 1695.  
n on the third of May; and the king, after Parliament  
ving vested the regency in the hands of com- proro-  
missioners, departed to Holland. gued.

\*\* Journ. Com. 12th, 13th, 14th, 16th March. State  
acts, T. W. The persons in the government of the city of  
London had spent very large funds, which had been bequeathed  
the maintenance of orphan children. It is asserted, that  
these funds were infamously squandered in extravagant enter-  
tainments and rejoicings in the city, on the restoration of  
Charles II. Cocke's Detection. By the act now obtained, the  
lord mayor was enabled to settle a fund for the raising money to  
pay the annual interest, at four per cent. for the whole debt.

## C H A P. XV.

*Observations upon political Revolutions in general.—Particular Dangers which threatened the Revolution in England.—Correspondence with the Court of Saint Germain.—Evidence of it.—Reasons for Caution in drawing Conclusions with respect to the Guilt of Individuals engaged in that Correspondence.—Their different Motives and Intentions.—Doubts of the Sincerity of his Correspondents, expressed by James and his Agents.—Strong Reasons for suspecting that some of them were not sincere.—Conclusions from the whole.—Causes of preventing the extreme Dangers impending over the Government of England.—Backwardness of Lewis in assisting James.—Division of Sentiment among his Friends.—Increasing Reputation of William—and Contempt for the Character of his Rival.—Various Events which contributed unexpectedly to strengthen the new Government.*

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XV.

Observations upon political revolutions in general.

**R**EVOLUTIONS in states and kingdoms exhibit both the most pleasing, and the most disgusting portraits, of human character. When artificial subordination, essential to regular government, is suspended, genius and abilities are called forth to a fair competition for the prize of honour; and ascend to the highest pitch of improvement, and splendour. The history of every country, in this situation, abounds with examples of eloquence, courage, integrity, and patriotism. But the same causes also operate, in the same situation, to increase corruption and crimes.

crimes. Every example of change, by weakening the authority of government, removes one of the most powerful restraints upon the unruly passions of men; and, by presenting new temptations and covers to ambition and avarice, conducts their votaries to the most consummate depravity.

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The sudden elevation of individuals, from the most obscure station, to power and prosperity, excites the envy and emulation of those who stood originally, and still remain, upon the same level. It is only by the continuance of anarchy, that such persons can hope to gratify these passions, and to raise their own importance; and hence, an interval of confusion and violence usually takes place, between the downfall of the ancient, and the establishment of the new government. Many, who begin opposition to established government from the purest principles of patriotism and virtue, afterwards come to dread excess of innovation; and to discover such selfishness and treachery in their associates, that they grow weary of the struggle, and are tempted to resign more liberal plans, for securing personal safety, and the interest of their families.

The disappointment of the multitude, who had been encouraged by their leaders, to expect a total exemption from inconvenience, or a perfection in executive government inconsistent with the infirmities of human nature, render them at last cold and indifferent about supporting those measures, which were first promoted by their zeal and activity. When the fermentation, excited by tyranny and oppression, had subsided, a veneration for ancient customs resumes its influence over the mind, and cherishes a general inclination in the people, to return to the civil institutions and hereditary authority, which have been

H h

consecrated

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Peculiar  
dangers  
which  
threatened  
the revo-  
lution in  
England.

consecrated by the remote and uninterrupted submission of their ancestors. Hence the great uncertainty of the success of those, who embark in any plan for accomplishing a revolution in government, or of maintaining such a revolution, after it has been accomplished.

With these general causes peculiar circumstances concurred, to endanger the stability of the new settlement in England, and to render William's tenure of power extremely difficult and precarious. A just estimate of these is necessary, to understand the true state of political affairs, and the characters of the most celebrated persons, at the period of which I treat. I have therefore reserved the detail of them for a separate department of this work, in order that I might exhibit them with more perspicuity and minuteness, than what could have been done in detached views, and by a strict adherence to chronological order.

William's aspiring to royal dignity, seemed inconsistent with the terms of his declaration, and planted the seeds of discontent in the breasts of many, who had heartily concurred in soliciting his interposition to obtain the deliverance of the nation. The settlement of the crown upon his head, independent of the right which he derived from his wife, had been long opposed by one branch of the legislature; and their consent to it at last was yielded with reluctance, and in compliance with necessity.

The preferment of some, who had been accessory to the most reprehensible measures during the preceding reign, and the disappointment of others, who had been useful instruments in the revolution, provoked the resentment of many of his new subjects.

Where

Where neither claims to favour, nor complaints of disappointment subsisted, motives of prudence might induce persons of the first influence, to withhold their support from a government surrounded with hostility and danger. The constitution of the king, feeble and sickly; his fatigues and dangers, in the camp, and in the field of battle; the formidable preparations of France for restoring James, and the strong attachment of a great part of the nation to his family, were circumstances, which, at a fair rate of calculation, depreciated the condition of those, whose prosperity or expectations depended upon the safety, and continuance of the new government.

In the progress of this reign, events unavoidably occurred, which produced a great alteration in the sentiments and attachments, both of individuals and parties, with respect to the new settlement; and which emboldened the resolutions, and encouraged the conspiracies, of the disaffected. The early dissolution of the convention parliament, however necessary that measure might be, rankled in the breasts of the whigs; and, for some time, threw the king into the arms of a party, who supported him from fluctuating motives of interest, or from the more laudable principle of respect to their religion, without any tie of personal attachment. The apparent violation of external forms of justice, and a necessary severity, exercised in the punishment of some of those persons who had been convicted of conspiracies, were unfairly compared with examples of tyrannical oppression in the preceding reign, and, by changing the object of indignation, impaired that security, which the new government would otherwise have derived from the confidence and good opinion of the people.

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The nation in general had connected the idea of settling the crown upon William, with that of humbling the power of France, and they had fondly promoted his elevation, as he appeared to be the fittest instrument of gratifying their ambition or resentment'. But the immense burden of taxes necessary to the support of a war, little compensated by the glory of victory, or the prospect of future and substantial advantage, made the continuance of it unpopular, and divided the sentiments of the prince and his subjects. The detection of gross corruption and peculation in persons vested with the highest ministerial offices weakened the reputation of government, and rendered the virtuous and independent part of the nation less anxious, when they heard of the dangers with which it was threatened. Upon the review of all these circumstances, we are less surprised, when we read of the variable sentiments and inconsistent conduct, ascribed to individuals and parties, or of the plots, the conspiracies, and near approaches to another change of government, which fill the period immediately subsequent to the Revolution.

Correspondence  
with the  
court of  
St. Ger-  
mains.

The early and uninterrupted correspondence between the exiled prince and many persons of the first rank and influence in England, persons who were employed in the court of William, as well as those who were in opposition to it, is a discovery lately opened to the public; and, in all its circumstances, may be considered as one of the most curious and interesting occurrences in the political annals of any nation. While the

The people of England in general entertained the most sanguine expectations of the success of the war with France: odds were laid in many hundred wagers, that king William would be in France before Christmas 1689. Oldmixon, vol. ii.

obscurity,

obscurity, which has hitherto rested upon this subject notwithstanding multiplied chances of detection, excites surprise; the number and eminence of the persons engaged in a correspondence with the court of Saint Germain's; and the contradiction it exhibits, between their true and assumed characters, give rise to some of the most unpleasing, though, perhaps, if properly improved, not the most unprofitable feelings and reflections that can occupy the mind.

No sooner was William placed upon the throne, than James received the strongest assurances, not only of the steadiness and persevering loyalty of those who never had deserted him, but of the repentance and returning affections of many persons of distinction, who had been most active in accomplishing the Revolution. Individuals of every party were addressed by the agents of James in England, and seemed to listen, with a favourable ear, to proposals for re-establishing his authority. Stated meetings were held in London, to which persons, whose loyalty to William was not suspected, and who were invested with offices of the highest trust, resorted, and, in concert with the known friends of James, consulted concerning the most effectual plans for promoting his interest.

Others gave a more unequivocal and dangerous test of their attachment to the exiled king, by entering into epistolary correspondence with him, and soliciting his instructions with respect to the conduct he wished them to observe, in order to afford them an opportunity of confirming the sincerity of their professions, by actual obedience to his will. Many original letters, now published, place beyond possibility of doubt, the duplicity, selfishness, and treachery, of some of those persons, who are held forth by contemporary

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rary historians, as having the strongest claim to the praise and gratitude of their country, for their services in accomplishing and maintaining a revolution of government, so important to national liberty and happiness<sup>2</sup>.

Evidence  
of it.

However unwilling we may be to yield to impressions, which not only tarnish characters recommended to us by the prejudices of education and by patriotic gratitude, but which bring disgrace upon human nature, yet there is not the shadow of reason for suspecting the authenticity of the collection of letters between James and his correspondents, and the various papers and memorials relative to his affairs, lately published by Mr. Macpherson. From evidence as clear and satisfactory as the nature of the thing can admit, we are bound to receive these letters, as genuine copies of original letters written by the persons to whom they are ascribed. If the hypothesis of their having been forged, either at an earlier or later period, could enter into the imagination of any candid enquirer after truth; if any purpose of such forgery could be assigned; yea there are various concomitant circumstances, which, together with strong internal evidence, confirm their authenticity, and demand a due respect from every person desirous to understand the history and transactions, to which they relate. Anecdotes, which have descended to the present times through the channel of tradition, the testimony of contemporary authors, and the light which the contents of these letters throw upon political events, mysterious at the period of their occurrence, all conspire to confirm the accounts of the intrigues, the treachery, and the plots.

<sup>2</sup> Life of James, 1692. Extract 1st. Macpherson's Scots Papers, 1692-3-4-5-6.



which they contain, and warrant our admission of them, with certain qualifications, as a legitimate proof of historical facts. CHAP.  
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Besides the evidence of attachment to James, derived from the letters of so many persons, who were in the course of corresponding with him, his agents in England transmitted the names of others, who had repeatedly given the strongest verbal assurances of their willingness, to co-operate in any plan for promoting his views of recovering the throne. Among these we find the names, not only of persons of noble rank, and of extensive property and influence, but of some, who were intrusted with responsible offices and enjoyed the power and opportunity of carrying their treacherous designs into execution. Lords lieutenants of counties, admirals, generals, privy counsellors, are mentioned as ripe for revolting against the prince under whom they held their commissions. Many of the clergy who had taken the oaths, as well as those who declined to swear allegiance to William, are represented as so desperately disaffected to his person and government, that sir John Friend, who afterwards suffered for treason, undertakes to bring a whole regiment, consisting of that order, to support the title of James, as soon as he should set his foot in England. The army and navy are described as prone to revolt; the former disgusted by the partiality of their new sovereign to foreigners, the latter justly irritated by the irregular and deficient payment of their wages. The most opulent and populous cities swell the catalogue of the friends of James, and it should seem, that nothing but his own courage and exertion were necessary to

CHAP. to re-establish him in the authority from which he  
 XV. had fallen<sup>3</sup>.

Reasons  
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Such is the general tenor of the letters and memorials, which passed between James and his correspondents and agents in England, published by Mr. Macpherson in his first volume of State Papers.

Although there can be no reason to scruple about admitting these, agreeably to the assertion of the publisher, to be fair copies of the original letters and papers, the titles of which they bear, yet very different opinions may be entertained of the measure and force of evidence they convey, either with respect to the state of political events, or the characters of persons concerned in them. If circumstances, recently brought to light, have, in any one instance, constrained us to renounce an opinion, to which we formerly adhered with fondness and obstinacy, this may be a reason for our being more diffident with respect to other opinions, to which we are equally partial; but it cannot be a sufficient reason for utterly resigning them, till we have scrupulously examined every argument, which tends either to support or confute their authority. Few persons, however, are so guarded, as to restrict the influence of analogical reasoning within its proper limits, and to make a distinction in judging of cases, where the same external appearances present themselves to the eye, though the intrinsic circumstances would often be found, upon patient investigation, to be totally and essentially different. A person, who has had the misfortune to detect the dishonesty

<sup>3</sup> Sir George Barclay's Memorial, 28th Dec. 1693. Captain Williams, *ibid* Memorial presented at Versailles, 4th January 1694. Proposals, from the earls of Montgomery, Ailesbury, Yarmouth, &c. Macpherson's State Papers.

of a servant in whose fidelity he absolutely confided, is too ready to harbour suspicions and misconstrue appearances, to the interruption of his own tranquillity and the injury of others, who have been invariably faithful and disinterested in the discharge of the trusts committed to them. The palpable and incontrovertible treachery of a few individuals, who had been long dignified with the name of patriots, too readily disposes the mind to acquiesce, without waiting for proof, in the groundless calumnies, which have been levelled against immaculate characters. In order to form an impartial judgment of the state of politics, and of the conduct of individuals and parties, we ought to weigh, with scrupulous exactness, every particle of evidence adduced upon either side of controverted questions, and carefully to discriminate between those circumstances, which establish a simple, positive, and direct proof; and that species of evidence, which arises from the opinion, prejudices, and sanguine views, of persons deeply interested in the scenes which they describe, and who must have been convicted by their own minds of that guilt, in which they are so anxious to associate others. A great distinction ought therefore to be made, between those actually found in correspondence with the court of Saint Germain, and those, who are only mentioned by agents as favourable to that interest, and approving of plans communicated to them for promoting it. There may be various reasons for suspecting the sincerity of persons of the last description, in the sentiments and attachments they professed, while there can be little or no reason for entertaining any doubt, with respect to the guilt of persons of the first class, who were personally engaged in correspondence with James, and

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and spontaneously tendered their services. The agents of James, [desirous to set off their own merits to the best advantage and to obtain his approbation, were under a strong temptation to describe their success in the most flattering strains. A sincere zeal for the interest of their master would naturally render them less scrupulous in adhering to truth, while they transmitted to him such accounts of his affairs as were calculated to encourage his heart, naturally prone to despondency, and to allure the aid of the French king, essential to the success of any plan for raising their depressed fortune \*. Had Lewis believed that the number of James's adherents was so considerable, and their zeal as ardent, as represented by his agents, it is difficult to conceive, notwithstanding the defeat of his fleet at La Hogue, why he should have so long delayed, and, after all, with so little earnestness attempted a second invasion of England. How could he have turned his arms to better account, than by restoring James to the throne of his fathers, and transferring the resources of England, from the disposal of an irreconcilable and powerful enemy, into the hands of his firmest friends? Would not such a measure, more effectually than all his victories upon the continent, have overturned that confederacy, of which William was the life and spirit; and who, more than all the other members of it, controlled and thwarted his ambitious plans? Some of the persons in England, who were affectionately attached to the interest of James, but who exercised greater caution and deliberation in conducting their inquiries about the tem-

\* Mr. Nofeworth's Report 1694. Charnock's Report 1695.  
Ibid.

per and inclinations of the people, or who had better opportunity of information, are far from holding out such alluring views of success, or maintaining such confidence in the power and multitude of his friends, as are conveyed by the general strain of the memorials and letters transmitted to him by his agents <sup>CHAPTER XV.</sup>

There are also obvious and plausible reasons for calling in question the true intention of many of those, who are enrolled among the partisans of James, and even represented as taking a more active part in his cause, by admitting his agents into their company, and occasionally consulting with them upon the state of his affairs. Persons of a timid disposition, or anxiously attentive to their private interest, whatever their affections and wishes might be, would be extremely fearful of incurring his resentment, lest he should again fill the throne of England; and they would be equally cautious of excluding themselves from future preferment, either by openly disapproving of, or revealing, any schemes imparted to them by his friends, in full confidence of their being faithfully attached both to his person and the interest of his family. It ought also to be observed, that the connection of blood and alliance would naturally have a considerable influence in directing the solicitations, and raising the hopes, of the family at Saint Germain. The earl of Marlborough was uncle to the duke of Berwick, and married to the sister of lady Tyrconnel. Lord Middleton, one of James's secretaries, was uncle-in-law to the earl of Shrewsbury. The intimate connection of these, and others in administration, <sup>Their different motives and intentions.</sup>

<sup>s</sup> An anonymous Letter from a Person in England to his Friend at Paris, 17th August, 1694. Mr. Mac Adams's Letters, *ibid*.

CHAP. with persons who adhered to James in his exiled  
 XV. state, would expose them to the more frequent  
 access and importunity of his agents, while, from  
 the motives already recited, we may believe they  
 would be unwilling, if they could avoid it, to  
 fall into desperate terms with that interest, which  
 might, in the course of chances, prevail.  
 From all these considerations it was naturally to  
 be expected, that individuals, who were addressed  
 by the agents of James, would often be repre-  
 sented as consenting to, or participating of,  
 measures, to which they were by no means  
 friendly in their hearts <sup>6</sup>.

While the agents of James in England em-  
 braced every opportunity to avail themselves of  
 the disappointments and passions of private per-  
 sons and parties, it is no wonder, if, in an un-

<sup>6</sup> Nothing can place in a stronger light the insincerity, or the want of power, of James's adherents, than the inconsistency of their conduct with their own professions, and with the instructions which they received from him. Take, for an example, the fifth session of the second parliament, which met 7th November, 1693. During the whole of this session, the commons were obsequious to the inclinations of the court, and most liberal in granting supplies; while the instructions, sent by James to his friends at this very period, suppose their interest to have been considerable, and require them to exert themselves in opposition to the court, particularly by obstructing the supplies. "Try all the ways you can to hinder the prince of Orange from getting money, especially the general excise; and, if it be not possible to hinder him from getting money, endeavour to retard it, that it may make all his preparations for the next campaign as late as may be." Instructions to the Church of England, 16th October, 1693.

"Endeavour by all means to embroil the affairs of the prince of Orange, and that his majesty's friends join heartily together to cross his inclination and interest in all things, and that they be ready to join with any party which shall appear against him, &c. &c." Macpherson's State Papers, 1693. To the same purpose, a paper entitled, Instructions to the Earl of Danby, Lord Godolphin, and Churchill.

guarded

guarded moment, and under the impression of resentment, their addressees were sometimes entertained with such apparent approbation, as encouraged them to add, to the list of their friends, the names of individuals, who probably soon repented of any rash resolution they might have formed, and would not have stood to it if they had been actually put to the trial. For several years after the Revolution, a change of government in England was an event at least as likely to happen, as a change of ministry is now, in our present state of political tranquillity. No wonder then, if persons, who were not susceptible of strong attachments, should be disposed to do every thing for securing their own future safety and interest, whatever the event might be. It may be farther observed, that men of very good intentions with respect to the public, who were strangers to that secret information, which was the ground of public measures, might often be at a loss where to fix their wishes, or what conduct they ought to pursue, as most effectual to promote the welfare of their country. The critical state of government sometimes obliged the king to take measures apparently contradictory to that patriotic system, which he professed to establish. Such persons might perhaps think it probable, that, by a new revolution, more liberal concessions might be obtained from the crown in favour of the people, and the constitution farther improved. But what we are principally to attend to, with respect to those who did not act from the pure influence of principle, is, that their compliance with the engagements, into which they entered with James or his agents, was evidently to be guided by the stream of accidents, and the views they entertained of his future success. If

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Strong  
reasons for  
suspecting  
that some  
of them  
were not  
sincere.

It may be farther observed, that there are very specious reasons for suspecting, that some of those persons, who embraced the opportunity of corresponding with James and assisting his counsels, might continue that correspondence, after their intentions were changed, perhaps, for the very purpose of being useful to William<sup>11</sup>. The earl of Shrewsbury and lord Godolphin were both detected in their correspondence with James; and, if William had been of a disposition resentful or sanguinary, might have been consigned to the last disgrace and punishment human laws can inflict. With unparalleled generosity, he not only pardoned, but employed them: he not only employed, but trusted them<sup>12</sup>. Suppose that these persons, monuments of his mercy, had been dead to every feeling of gratitude and generosity, was it possible, if they had been endowed with the smallest portion of prudence, that they could ever have ventured to tread again in the dark path of treachery? The eyes of William, they must have been aware, would ever after be fixed upon them with suspicious circumspection. He was vigilant, inquisitive, penetrating. At no period was the restoration of James an event so probable and near, as to induce them to incur any eminent hazard from the expectation of its taking place. Nay, so entirely was Shrewsbury restored to the confidence of William, that he was always consulted by him in the season of perplexity and distress, when affection principally directs the choice of counsellors. If Shrewsbury and Godolphin are recorded among the friends of

<sup>11</sup> Floyd's Accounts carried to Versailles, 1st May, paragraph 7th; compared with Churchill's Letters, 6th May 1694.

<sup>12</sup> Dalrymple's Memoirs, vol. i. p. 499.



James after the event mentioned, it is natural to conclude, that James and his court were deceived by their professions made to him at an early period; or, if they again entered into correspondence with him, the same reasons will incline us to believe, that they must have done so, with the connivance of William, and with the purpose of rendering it subservient to his intentions and designs.

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The name of Sunderland, recorded in the list of the correspondents of James, raises the authority of these conjectures; and can hardly indeed be accounted for, otherwise, than upon the supposition, that such a correspondence was known to William and encouraged by him. From the past conduct of Sunderland, familiar to the reader, it will not be suspected, that any ingredient of honour or generosity could enter into his character. From no motive of interest could he possibly be induced to renew his correspondence with James. Though the door of the court had been shut against him in London, yet there remained to him no ground for hope, of profiting by another revolution, and of recovering the confidence and favour of James if ever restored to the throne. But when it is observed, that, at the very period in which Sunderland was engaged in correspondence with James, and rendering his services to that prince, he was ascending in influence with William, and that he already enjoyed the opportunity of gratifying every wish of ambition and interest, there scarcely can remain a doubt, with respect to Sunderland's having renewed his correspondence with the permission and authority of William. No motive, but the

<sup>13</sup> Burnet, 1693.

CHAP. singular usefulness of Sunderland, could have  
 { XV. induced a person, of William's sagacity and caution, to give any share of his confidence to a man so deeply criminal, and so odious to all parties in the nation. It is no objection to the supposition now made, that we find the earl of Arran, the unsuspected friend of James, attesting the sincerity of Sunderland, who was his relation; or that Sunderland advises James to make a descent upon the coast of England, as the most speedy and effectual measure to restore his fortune<sup>14</sup>. Arran, nowise distinguished by acuteness of discernment, might himself be the dupe of Sunderland's intrigues; and, with respect to Sunderland's pressing an invasion of England, it was the common advice of all the agents of James at that time, and the most acceptable subject that could be introduced in a correspondence with him. Notwithstanding the repeated professions of repentance by Sunderland, and the attestations of his sincerity, Middleton, one of James's secretaries, warns his friends in England to be upon their guard against the treachery of some, who had deceived them under the professions of friendship; and, in an allegorical letter to an English peer, hints his suspicions of the treachery of Sunderland<sup>15</sup>.

Conclu-  
 sions from  
 the whole.

But, after all the researches that have been made, and the various conjectures that may be formed, it must be acknowledged, that great darkness and mystery still rest upon the period and

<sup>14</sup> Macpherson's State Papers, January 1664-5. Letter to James, 1693.

<sup>15</sup> Letter from Middleton to Monsieur Ponchartrain, 27th June 1694, paragraph 5th, in the note. Letter of Middleton, 2d August. Macpherson's State Papers, 1695.

transactions,

transactions, of which I have been giving an account. Enough, however, appears to sustain the following conclusions; namely, that, during the whole reign of William, his person and government were exposed to extreme danger; that, from his coronation till his title was acknowledged by the French king at the peace of Ryfwick, a correspondence was constantly carried on between James and many persons of the first rank and influence in England; that individuals of every party, and even some of those, who had been the most zealous agents in the revolution, were accessory to that correspondence; that many conspiracies were formed; and very considerable preparations made for restoring the authority of James; and that, even the most base and atrocious designs were set on foot, to put an end to the power and life of William. While we trace the disappointment of these to the superintendency of Providence, it will be both instructive and entertaining, to attend to the external means, by which the designs of Providence were effected; or to inquire into the causes, which, from time to time, counteracted, and at last surmounted, the most complicated and enormous dangers impending over the new government, and rendered its preservation no less extraordinary, than the fruits of it have been precious.

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Causes of preventing the extreme dangers impending over the government of England.

1st. The expectations of the friends of James, and the execution of all their plans and conspiracies to recall him to the throne, depended, in a great measure, upon the aid of Lewis, whose attachment, they found, after various trials, to be neither so disinterested nor so active, as they fondly believed. The liberal grants of money to William; an army numerous, well disciplined,

Backwardness of Lewis in assisting James.

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and consisting, in a great proportion, of foreigners; discouraged any attempt of the adherents of James, to erect his standard in England, without a considerable reinforcement of French troops. To the French king, therefore, they turned their eyes, with confident expectation; because he seemed to be stimulated, by every motive of affection and interest, to espouse the cause and wish for the prosperity of James. If Lewis was perhaps the only sovereign in Europe, who lamented the degradation of James, so the latter was the only prince, led by inclination, to prefer the alliance of the former to that of the confederate states. The one was almost assured, that, by restoring the power of the other, he would detach England from that alliance, which was formed to obstruct and defeat his ambition. Notwithstanding the importance of the object, and the reciprocal professions of attachment between these princes, Lewis seems to have listened with coldness and disrelish to any proposal made to him, for co-operating with the friends of the dethroned monarch<sup>16</sup>. He was dilatory and reluctant in the execution of any enterprise, which had for its immediate object the restoration of James. After the defeat of the French fleet at La Hogue, no serious plan, for effecting that end, seems to have been projected by the court of France, till the beginning of the year 1696, when a large body of troops was drawn together on the opposite coast, in order to embark for England. The abrupt desertion of this expedition, under pretence that the friends of James in England had not performed the condi-

<sup>16</sup> Letter of Middleton to l'abbé Renaudot, 2d October 1694. Macpherson's State Papers.

tion, upon which the embarkation of the French army was promised, awakened in their breasts distressful suspicions of the French king, and almost extinguished their hopes of deriving any future aid from his interposition. C H A P.  
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The presence, and behaviour of James, were ill calculated to acquire the esteem or affection of those among whom he lived. While an abject superstition, and an ascetic devotion, procured him the unprofitable adulation of sequestered monks and bigotted priests, they exposed him to the contempt of the warrior, and the ridicule of the courtier, who alone, by their exertions and interest, could effectually contribute toward the restitution of his depressed affairs. A certain malignant destiny seemed to blast all his projects, and banished the hope of success from every enterprise, in which he was personally engaged."

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"The accounts transmitted to us, concerning the behaviour of James after he left England, by those who meant to praise him, exhibit the most despicable and ludicrous picture of enthusiasm and superstition. He used to thank God, for having taken from him three kingdoms, and awakened him from the lethargy of sin; and that, if it had not been for that event, he would have been lost for ever. He submitted to the most severe fastings and mortifications: he carried certain days a chain of iron, with very sharp points, fastened about his body: he performed this severe discipline with such humility, that he was put into the greatest confusion, when he happened one day to be discovered by the queen: he used to express a strong desire of death, and held it to be the duty of every Christian to do so. *Abregé de la Vie de Jaque II. par le Pere Francois Bretonneau, Paris 1743, pages 62. 70. & passim.*

A French author, *Le Compte Buffy Raburin*, speaking of the miscarriage of La Hogue, uses these expressions: "La malheureuse étoile du roy d'Angleterre fit échouer ce projet. Si le roy (viz. Louis) feust conduit tout seul, la fortune, a son ordinaire, auroit vraisemblablement favorisé sa bonne conduite, p. 326."

James himself seems to have entertained a mortifying sense of his own bad fortune. In his letter to Lewis, after the defeat of

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The advantages, which France might expect from placing James on the throne of England, were neither so eminent, nor so certain, as to justify the attempt, where the expence was so great, and success in the issue so precarious. Lewis might have every reason to be assured of the attachment and gratitude of James, if ever he resumed his authority: but the independent spirit of the English, illustriously displayed by the late revolution, and their inveterate aversion to France, might be expected to thwart the inclinations, and bridle the exertions, of their sovereign.

The ambition of Lewis was so entirely directed to the extension of his dominions upon the continent, that, without looking forward to remote consequences, he was averse to every plan, which required a temporary diversion of his forces, or tended to give any interruption to the fondest object of his desire. Hence, though memorials of

of La Hogue, he says; "I know too well, that my unlucky star has drawn down this misfortune upon your forces, always victorious." In this James participated of the evil destiny of his family, which appeared so uncommon as to attract the notice of historians at an early period. Jurieu giving an account of James IV. having been slain in the battle of Floudes, uses the following expressions: "Cadaver regis, postremo die a Dacree repertum, et Bervicum delatum, ubi diu sepultura caruit; ab Anglis, quod Gallis et schismaticis favisset sancto funeris, sepulchrique honore, et Christianis ceremoniis indignus putabatur. Adnotabant plerique, repetita superiorum regum memoria, Jacobum infelici potius Stuartæ familiæ fato, quam suo cecidisse: quod pater, avus et proavus, eodem potiti regno, atque idem sortiti nomen, ante diem ferro perempti mortem appetiissent."

The malignant destiny of the house of Stuart was no less strikingly illustrated by the fate of its latter representatives; namely, James V. Mary, Charles I. and James VII. with whom the royal power terminated.

James

James to the court of France were still received with external approbation, and the hopes of his party kept alive by splendid promises, yet various pretexts were contrived to postpone or elude the performance of them. And, when the friends of James began to be weary of the evasions, and to complain of the delay, of France, the latter also retorted, in the strain of complaint, and transferred the blame of all their misfortunes to their own negligence and misconduct. They were indelicately reproached, for want of activity; for having failed to produce evidence to satisfy the court of France of their strength and numbers; and for not having used that influence, which they might openly and successfully have done, to stop the liberal supplies of parliament for supporting the authority and enterprises of William<sup>18</sup>. James, in the meanwhile, had a difficult part to act, in order to preserve any measure of good understanding with Lewis, and to cherish the hopes of his English friends. He was not in a situation to upbraid, or to complain of ill usage. Both his pride and interest debarred him from the consolation of opening, to his friends, the mortifications and treachery which wounded his spirit. He was constrained, on the one hand, to do violence to truth and to his own feelings, while he vainly boasted of the attachment and kindness of the French court, in order to animate the exertions of his friends, fretted with disappointment, and ready to sink into a slothful despondency. On the other hand, that he might avoid the humiliating discovery of his entire dependence on the arms of France, he was

<sup>18</sup> Letter of Middleton to Caryl, 19th March 1696. Extracts, January, February, March, 1696. Macpherson's State Papers.

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Division  
of senti-  
ment  
among his  
friends.

at pains to conceal, from that court, his suspicions of the coldness and defection of his partisans in England, and to make specious apologies for their going into the service of William.

2. The friends of James in England were divided in political sentiments, and the different conditions, upon which they proposed to restore him to the throne, greatly embarrassed and obstructed the plans laid down for accomplishing that event.

Some, who were warm in their attachment to James, were, at the same time, ready friends to the constitution; and therefore wished to restore him upon terms, which he held to be encroachments upon the unalienable prerogatives of the crown. These were called Compounders, and comprehended the most respectable, and the most numerous class of his adherents<sup>19</sup>. There were a few of this number, who thought that a new revolution might contribute to the farther improvement of the constitution, by procuring regulations with respect to the monarchical branch, more restrictive than those which had been specified by the bill of rights. But there was also a great proportion of zealous adherents to James, who had embraced the most servile notions of prerogative, and who thought it no less prophane than disloyal, to narrow its limits or lop off any of its branches<sup>20</sup>. Such therefore considered themselves as bound, by equal obligations, to restore the king to his throne, and to the undiminished amplitude of prerogative. The leaders

<sup>19</sup> Memorial to Lewis, Nov. 1692. Macpherson's State Papers, 1694.

<sup>20</sup> Memorials sent to James. Ibid.



of these parties distracted him with the opposition of their schemes and their counsels, and contented with emulation for the empty honours of an exiled court. The partiality of James to the counsels of the non-compounders; his address, in contriving the most plausible pretences for delaying or eluding to publish a declaration in moderate terms, accommodated to the inclinations of the greatest number of his friends; evince, more than all the abuses of actual authority, his unabating passion for arbitrary power<sup>21</sup>. Many of his friends, however, still continued, with inflexible solicitude, to urge concessions adapted to the temper of the people and the constitution of England, as indispensably necessary for recovering his throne. Lord Marlborough, well acquainted with the predominant passion of his master, and, at the same time, of the necessity of his making concessions, was at pains to allure his consent, by representing that he might easily break them, when he came to the throne, as being extorted by the necessity of his affairs<sup>22</sup>. James at last began to yield to the importunity of his friends; and published a declaration, promising to call a free parliament, to remove all grievances, to consent to whatever bills were necessary to secure the frequent meetings of parliament, and to maintain the church

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<sup>21</sup> Extracts from Nairn's Papers, 1692. James alleges, that his promising concessions, if he returned to the throne, would alarm William, and render him more anxious to maintain an armed force in England; that it would afford his enemies a handle for reply; and, by severe criticisms upon his past errors, and misrepresentations of his future intentions, counteract the effect of every thing he could propose for conciliating the affections of his people. Macpherson's State Papers, 1692.

<sup>22</sup> Life of James, by himself, 1693, Extract 2d. Memorial concerning Scotland, par. 16. Macpherson's State Papers, 1690.

CHAP. of England <sup>23</sup>. He dismissed Melfort, who was  
 XV. at the head of the non-compounders, from the  
 office of secretary of state, and appointed, in his  
 room, Caryle, who was known to maintain principles more moderate, and consonant to the spirit of the English constitution. It is acknowledged, however, by one of the agents of James, that the distrust of his veracity and honour were now so deeply rooted, and had spread so far, that these concessions had but little influence in satisfying his friends, or gaining any new converts to his interest <sup>24</sup>. Under the same impression, many, who still maintained their attachment to the principles of hereditary right, and who were classed with the friends of James, became cold and listless about his personal interest. They were divided, in their affections, between loyalty to their lawful sovereign and zeal for the church of England. These interests, apparently at variance, seemed at last to be in some measure reconciled, by their considering the absence and deposition of James as an interruption, rather than an extinction, of the hereditary line of succession. They entertained little doubt, that the son would be recalled to the throne of England after the death of William; and they suspended, for a

<sup>23</sup> Life of James, London, 1703.

<sup>24</sup> Anonymous Letter, 17th August, 1694. Macpherson's State Papers. Attend particularly to the following words:  
 "The common people own their present burdeas are very heavy,  
 "yet profess openly, that they would rather carry it on and on,  
 "than let popery, by restoring the king, steal in upon them.  
 "And when asked, how they can read the king's last declaration,  
 "and observe the promises therein made, and yet doubt,  
 "either of the establishment, or tranquillity, of their own  
 "church? They answer, that being certain some of the promises  
 "will be broken, they find reason to doubt, whether any  
 "of them will be kept, &c. &c." Macpherson's State Papers, 1694.

season,

season, the duties of loyalty and allegiance, from a respect to the substantial interests of their country and religion.

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3. The government of William in England grew more firm, the hopes of the friends of James more languid, and their efforts to restore him more remiss, while the former every day gained, and the latter lost reputation among foreign princes. Though the arms of the confederates were not attended with expected success, yet such was the address of William, in maintaining their union, and invigorating their resolutions, in contriving expedients to repair their misfortunes, and, above all, such was the indefatigable perseverance of his spirit, that he still rose in their esteem and confidence. Not only the confederate princes, united to him by interest, but his enemies themselves, gave various and striking testimonies of their being astonished and overawed, by the greatness of his designs, and the pre-eminence of his abilities. Upon a false report of his death, the most indecent expressions of joy and exultation were publicly exhibited in France, as if, by that event alone, the whole power of the confederacy had been annihilated, and the only obstacle to the ambition of Lewis removed<sup>23</sup>. The ambassadors of

Increasing  
reputation  
of William;

James

<sup>23</sup> “ Returning from Seaux, with the marquis of Seignalai, in the evening after the news of the prince of Orange being killed, we were surprised to find the streets filled with bonfires and images of the prince of Orange in straw, which they threw into the fire, while they drank to the health of the king, and compelled all that passed to do the same. This general rejoicing was not discountenanced by the court, where the principal ministers were under the same mistake. Nothing could more emphatically express the terror of the

name

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and con-  
tempt for  
the cha-  
racter of  
his rival.

James could not restrain themselves from the most peevish complaints, when they beheld the veneration and awe, with which the character of William had impressed the court of France. Such singular evidences of respect could not fail to raise the dignity of his character at home, and to give energy to his government, both in Holland and in England. On the other hand, nothing can convey a more lively picture of the humiliating situation and debased credit of James, than the coldness and contempt, with which his name and his business were treated at the court of Rome. No subject was more irksome to successive popes, than any application in his behalf. They waved any conversation that tended to introduce it. They excused themselves from giving him any pecuniary assistance; and ill concealed the contempt of their hearts, while they substituted prayers and expressions of pity, instead of solemn execrations of his enemies and more substantial resentment, expected in return

“ name of the prince of Orange, than the extravagance of  
“ joy with which his enemies received the news of his death.”  
*Memoirs et Reflexions sur la Regne de Louis XIV. p. 236.*

“ The confederates confess, that had the prince of Orange  
“ been driven from Namur, they would have abandoned him;  
“ but now he is their saviour, protector, and idol. All the  
“ heroes of antiquity were but his precursors, and to triumph  
“ over the king of France’s foresight, and Villeroy and Boufflers, is so great a support to his reputation, that all here conclude, that he will unite the league, and get from England  
“ to their bodkins and thimbles. All our conversations are  
“ bringing the king to Rome, which God forbid, and establishing the prince of Orange in England for all his life. Some,  
“ who appeared very fixed, begin to say, that he must be a  
“ great man, who never gives over, but pushes on, though repelled again and again; and that, at last, such a one must  
“ accomplish his designs, which is to humble the king of France, and to transfer all the glory of that king’s fortunate  
“ reign to himself.” *Penrh’s letter, 27th September, 1695.*

for

for a zeal, which had sacrificed all to the interest of popery. The earl of Perth, the ambassador of James, expresses sorrow and indignation, upon finding that the character and exploits of William were mentioned with admiration by the ministers of the pontifical court; and, that some of them were so indelicate, and even so prophane, as to insinuate their good wishes for his success, and for their expectation of deriving more benefit to the papal dominion from the continuance of his authority, though he was an heretic, than from the restoration of James, who had been a martyr to their faith. He desires to be furnished with accounts and proofs of the severities exercised against the Roman catholics in Ireland, in order to open their eyes, and to rouse the court of Rome from that criminal stupidity, which rendered her at once so unconcerned about the fate of James and her own dearest interests <sup>26</sup>.

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Such

<sup>26</sup> "The declaration here was just fitted for the press, but Mr. Caprara, after the advances he himself made to get it finished, alleged unexpected difficulties, so that it is now laid aside. Many here pretend great inward zeal in their prayers for the king; but, if they do pray, they do it so as not to be seen of men, either in their closets, or, perhaps, the primitive grottoes and catacombs." Litcott's Letter to Melfort, June 17th, 1692.

"I took occasion to show myself last week to the pope; who, having been prepossessed by the house of Austria in some points of news to James's disadvantage, he asked what my letter said, expressing at the same time some difference as to the French. I answered the best I could, but all by conjecture, having, my lord, not had the least word of any thing since I came thither." Id 2,th June, 1692.

"I can easily perceive, that all, who are well affected to the House of Austria, try, by all means, to persuade the pope, that the prince of Orange is no enemy to the catholics; but only strives to maintain his acquisition of the government of England." The Earl of Perth's Letter from Rome, 9th May, 1695. Macpherson's State Papers.

CHAP. Such experience of desertion and contempt, where James expected applause and cordial adherence, tended to subvert all respect for his character among his English subjects, and to check that boldness of enterprise, which alone could retrieve his interest from the low ebb into which it had sunk.

Various events which contributed unexpectedly to strengthen the new government.

4. Some of those events, which were deemed most propitious to the views of James, operated to a contrary effect; and, by diminishing the number and influence of his remaining friends, finally confirmed his degradation and exile. If the frequent absence of William from the seat of government invited the disaffected to conspiracy and insurrection, the prudence and moderation, with which Mary discharged the trust of the regency, gained friends among every party in the nation. By devolving the reins of government into the hands of the queen, William not only enjoyed a respite from the turbulence of faction, but, upon his return, found the violence of parties abated, and the vigour of government renewed. The executive government, occasionally delegated to the daughter and nearest heir, more easily reconciled the friends of hereditary right to the new settlement, because it required only a

Innocent XI received coldly an application made by James, to give father Petre a cardinal's hat. Innocent XI. and Alexander VI. absolutely refused to contribute, by pecuniary aid, to the restoration of James; and Innocent XII, who was better affected to him, often waved his applications, and assisted him in money, only, with a penurious hand. Monthly Mercury, December 1688, April 1689, and passim.

"Give me a sure account of what is doing to hinder the children of catholics from being bred up in the catholic religion, and you would furnish me with a new occasion of stirring up his holiness to mind the conservation of that little remnant of truth that rests among you." Perth's Letter, 1695.

slight

slight deviation from their principles. A zeal for the protestant religion, and a fostering attention to the church of England, accompanied with exemplary piety, gained the political support of the hierarchy, and the affections of the true friends of religion and virtue. In these views, the death of the queen was naturally considered as an event fatal to the new settlement, and seemed to open certain hopes of success to those, who were interested for the exiled king. So much did they calculate upon the augmentation of strength, which was likely to redound from the death of the queen, that they began to lower their demands for foreign aid, and represented in their memorials to the French king, that the friends of James, reinforced only with ten thousand men, would be sufficiently powerful to restore their master to his rights and dignity <sup>27</sup>. But in this, as well as in other conjectures, the correspondents of the court of Saint Germain were deceived ;

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<sup>27</sup> Middleton's Letter, 13th January 1695. " When James heard of the death of his daughter, he had long conferences with the king of France, and letters were immediately dispatched, to try whether any tares might be sown among the English." Monthly Mercury, January 1695.

" The French believe that they shall gain more by the death of the queen of England, than they have lost by the death of marshal Luxembourg. They look upon this accident not only as an obstacle to prevent the king of England's return into the Low Countries ; but as an opportunity to sow new seeds of discord, and to find the English work enough at home among themselves." Ibid. 1695.

So sanguine were the expectations of the correspondents of James, upon the death of the queen, that they wrote to him in the following words : " The great alterations, occasioned by the death of the princess of Orange, have so broken and divided the strength of the government, that ten thousand men are more now in proportion to its present strength than thirty thousand were before, &c." Reasons offered for making a Descent upon England. Macpherson's State Papers, 1695.

and

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and from the death of the queen, the new settlement derived the accession of a party, who were secretly hostile to the personal interest of the king, and who publicly opposed those political measures to which he was partial. During the life of her sister Mary, healthy and little superior to herself in age, the princess Anne entertained a very distant and precarious prospect of ever inheriting the crown of England. At an early period after the revolution, the relents of affection began to work upon her mind, and at last seemed to have subdued the impulse of ambition. She wrote to her father, earnestly imploring forgiveness and reconciliation, and promised to confirm the sincerity of her repentance, by a firm adherence to the duties of loyalty and natural affection. While she remained under the impression of these sentiments, a numerous body of the tories, attached to her family and interests, opposed the inclinations of the court; and some of them consulted with the friends of her father about measures for his restoration<sup>28</sup>. The death of her sister, and the near prospect of a crown, threw out new and powerful temptations to rouse and actuate the ambition of the princess Anne. Resolutions, which could only be fulfilled in the humble station of a subject, were renounced, and all the scheme and address of her friends were employed to remove every obstruction to her approaching dignity. From that moment the political interests of William and the princess Anne were interwoven: both were to be promoted by the same plans, and by the same instruments. The recognition of the right of the princess Anne was the first link in that chain of succession, which William desired to establish, not only for his own

<sup>28</sup> Life of James, *passim*.




safety, but for the future security of that fabric of government which he had saved from ruin. It was only by adopting the same principles, by approving and extending the Act of Settlement, and by supporting the title of William, that the princess could hope to ascend the throne, in exclusion of her father. Hence an external reconciliation, which answered all the purposes of cordial attachment, took place between her and William after the death of Mary; and their friends co-operated in the same political designs: This coalition not only fixed a great proportion of that interest, which, in the early part of his reign, had been vibrating between Anne and the banished king; but became productive of measures, which effectually barred the return of the latter, and secured the easy descent of the crown to a line of protestant successors.

The dissolution of the second parliament, of the triennial bill, which accelerated that measure, was coincident with the death of Mary, and productive of similar effects; because it operated, contrary to the expectation of the malecontents, to increase the friends and strength of the new settlement. Though a powerful party in the commons opposed the inclinations of the court, yet, by a series of resolutions and measures, in the course of five successive sessions, the second parliament became so far engaged upon the side of the present government, that it was not to be expected, upon the event of James's landing in England, they would be prevailed upon either to acknowledge him, or indirectly to promote his interest, by withholding from William the pecuniary aid which they had been accustomed to grant with a liberal hand. The war with France,

**C H A P.** in particular, a principal obstruction to the hopes  
**XV.** of James, a great majority of both houses had approved of, and still seemed inclined to support. It was likewise reasonable to suppose, that, as the favours of the court flow through the channels of parliamentary interest, so the dispensation of these favours, for the space of five years, must necessarily have procured to the king a powerful influence over the present representatives of the nation, which would be lost and destroyed in a new parliament, uninterested in the past measures, and unbiassed by the experienced bounty of the court. Attending to these circumstances, we are not surprised to find, that James and his friends considered the continuance of the second parliament as an unsurmountable barrier to their expectations; and that, in many of the memorials transmitted from Saint Germain's, it is earnestly inculcated upon the agents of that court, to cherish the discontents in England, and to exert their utmost endeavours to accomplish a general election<sup>29</sup>. The complaints of the people did not, at that period, require the culture of foreign influence. The suspicion, and at last the detection, of enormous corruption, roused the nation, almost with one voice, to call for the dismissal of their representatives. Both houses were constrained, by the importunity of the people, and a respect to decency, to introduce, as we have seen, different measures, for the purpose of obtaining a dissolution of the second parliament. The death of the queen, and a demand of large supplies, obliged the king to consent, with reluctance, to a bill, which he considered as equally fatal to

<sup>29</sup> Middleton's letter, 13th January, 1695.

his present influence and future power. In this apprehension, both the king and his enemies were mistaken, as soon appeared from the effect of the triennial act upon the temper of the nation. The near approach, and frequent return of elections, obviously advanced the political consequence of all orders of men in the state. While parliament subsisted during the pleasure of the sovereign, its connection with the people was gradually lessened, its obligations and attachment to the crown were daily strengthened; and a qualification to vote for a representative might remain dormant with the possessor, without his having once, in the course of his life, an opportunity of exercising it, either for the purpose of private advantage, or the control and chastisement of abused power. The attention and diligence of the disaffected, hitherto occupied in thwarting government, and contriving measures for the restoration of James, were now transferred to a nearer and less dangerous object, while many of them became candidates for a share of political influence, from which they had been hitherto excluded. The greater number regarded the question of a personal right to the crown, abstracted from the interest of the nation, as a dispute frivolous and uninteresting. They could not hesitate for a moment about preferring an imperfect and exceptionable title, fraught with lasting benefit to the constitution, to the claims of hereditary right, involving prerogatives undefined and destructive of freedom. Such a deep infringement upon the influence of the crown, as was obtained by the triennial bill, they were well aware, a monarch, of James's arbitrary principles and temper, would never endure. If he regained the throne, he would reclaim, under a specious respect to justice, such prerogatives as

**C H A P.** had been torn from it, without the consent, and  
**XV.** during the expulsion, of its lawful possessor. A  
 new pillar of liberty was erected, which, connected with the occupancy of the present king, fortified his throne, both with the affections and interest of his people. After this period the friends of James declined in influence and zeal; correspondence with him was interrupted; the peace of Ryswick was the decisive crisis, which ratified the authority of William, and ensured the benefits of the Revolution to posterity.

## C H A P. XVI.

*Dissolution of the second Parliament.—Summary Views of its Proceedings and Character.—The third Parliament meets.—Bill for regulating Trials in Cases of Treason passes.—The Commons address the King to withdraw a Grant in Favour of the Earl of Portland—he complies.—Proceedings of both Houses with respect to an Act of the Scotch Parliament for extending the Trade of that Kingdom.—Bill for a Council of Trade to be nominated by Parliament—the King offended at it.—An Invasion of England and an Insurrection of the Malecontents projected—prove abortive—in consequence of Lewis and the Malecontents having been deceived with respect to each other's Intentions.—A Conspiracy to assassinate King William.—Addresses, Associations, and other Measures for securing the Government.—Trial of the Conspirators.—Bill for attainting Sir John Fenwick—Debates on it—it passes.—Campaign 1696—Measures to relieve the Embarrassments of the Revenue.—Inquiry concerning Miscarriages at Sea.*

**I**N the campaign of one thousand six hundred CHAP.  
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and ninety-five, the army of the confederates 1695.  
was superior to that of the French. The retaking Campaign  
of Namur turned the balance of success in favour 1695.  
of the former, and greatly advanced the military August.  
reputation of William. In Italy, Casal surrendered July.  
to the duke of Savoy; in Spain, the decline of the August.  
French power was manifested by their deserting were  
Palamos, and contracting their frontier to the  
town of Gironne. The English and Dutch fleets

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tion of the  
second  
parlia-  
ment.

were every where an over-match for the French, though many merchant ships of great value fell into the hands of the enemy, and marred that general satisfaction, which, otherwise, must have arisen from the prosperous turn of affairs'.

The king returned to Kensington on the tenth of October, and the next day issued a proclamation for dissolving the present parliament, and summoning another to meet on the twenty-second of November. He had obstinately struggled against the triennial bill, not only to avert an encroachment, as he believed, upon his prerogative, but from the apprehension of not finding a new parliament obsequious to his will, particularly in adopting his system of foreign politics, and approving of the continuance of the war. But, as there was no prospect of bringing it to a conclusion before the definitive expiration of the present parliament, there occurred obvious and strong reasons for anticipating that event. However great the influence of the court in the present parliament had been, yet it was naturally to be expected, that the immediate prospect of dependance upon their constituents would operate upon the members, to the diminishing of that influence, and induce those, who wished to maintain their political distinction, to humour the prejudices of the people, rather than to study the inclinations of the sovereign, or to pursue more liberal views of public good. The dissolution of parliament, impatiently desired by the people, would be reckoned a gracious exertion of the prerogative, and strengthen the interest of the crown at the approaching general election. But what, perhaps, as much as any of these considerations, determined the king to dismiss his second

parliament, was the perplexity and interruption to public business, which he foresaw would arise, at a season eminently critical, from those disagreeable inquiries into which the commons had entered, with respect to the corruption of some of their members, and from which they could not recede, without forfeiting all claim to honour and consistency<sup>2</sup>.

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The business and proceedings of the second parliament of William furnish the historian with events and materials, distinguished not only by their importance, but by their novelty, from what had occurred in any former period. Though foreign war, and the extension or defence of their dominions upon the continent, form interesting scenes of the English history, yet the measures, relating to them, proceeded from the ambition of the prince, rather than from any concerted plan of national advantage, and were directed by the inclinations of the court, independently of the advice of parliament, which had not then attained to any regular influence. By this parliament, foreign war, and continental connexions, were first adopted as a capital branch of the political system of England. A system, so complicated in its nature and so comprehensive with respect to its object, involved increase of expence, and required expedients and resources, which, before that time, never had been devised or exemplified. Hence the plan of borrowing and funding was introduced; and, instead of raising the supplies necessary for carrying on the war within the year, funds were established for paying the interest of them annually, and for discharging the capital at a remote period. The

Summary  
view of  
its pro-  
ceedings  
and cha-  
racter.

<sup>2</sup> Burnet, 1695.

supplies,

CHAP. supplies, raised upon this plan, in the course of  
 XVI. the second parliament alone, amounted to more  
 1695. than the double of what had been granted in any  
 preceding reign.

As it is not to be expected, that either individuals or societies should acquire great expertness in a business, with respect to which they have derived no instruction, either from their own experience, or that of their ancestors, so the supplies were conducted with great error and extravagance by this and succeeding parliaments. The ways and means proposed were seldom adequate to the sums to be raised upon them; and, as necessary consequences of this error, the operations of government were crippled, its credit depressed, and the article of future supplies swelled to an enormous pitch, from the necessity of making good the deficiency of the former. Posterity must lament, that many millions of the national debt, with which we are loaded, might have been spared, while the patrimonial interest of our ancestors, who were then upon the stage, would have been promoted, if calculations had been made with exactness, supplies obtained at a reasonable premium, and the taxes levied with strictness and justice<sup>3</sup>. The disposal of an immense revenue, and the numerous offices to which it gave birth, brought a great accession of influence into the hands of the crown; but which perhaps was no more than sufficient to support the new government under the hard struggles to which it was necessarily exposed. Unfair advantages were taken of the straitened circumstances of the nation, which still augmented the burden of the taxes. The amplitude of the revenue excited

<sup>3</sup> Sinclair.



he murmur of those, from whom it was exacted, and the avarice of those, who were employed in levying or disbursing it. The share, which the rapacious politician destined for his private emolument, appeared only a mite, taken from the prodigious mass of the public treasure; and no more than a just compensation for that liberality, which he exercised at the expence of his constituents. As parliament acquired more regular and extensive power by being convened annually, and by not only granting, but by appropriating and reviewing, large supplies, so the seat of a member became, more than ever it had been, a lucrative object. Hence the number of candidates, and the ardour of their competition, were increased, when any vacancy in the representation happened. The electors soon perceived their own consequence, raised the price of the favours for which they were solicited, and thus the chain of corruption was completed. From the discoveries made by the committee and commissioners appointed to inquire into the public accounts, it was too evident, that corruption had entered into every department, and that individuals of every party were stained with peculation, which threw a blemish upon the body to which they belonged. There can be no doubt, that mercenary considerations contributed, with their avowed principles, to render this parliament favourable to the continuance of the war. That war, as necessary to support the revolution, brings no discredit upon those who approved of it; but, at the same time, it is probable, that it might have been carried on at less expence, and terminated at an earlier period, with equal advantage to the nation, if powerful individuals had not been interested in its prolongation.

CHAP. The public acts, passed by this parliament, re-  
 XVI. lated more to the redress of grievances, than to  
 1695. the encouragement of trade and manufactures. The business of the war, and of the supplies, occupied so much of their attention, that it may be considered as an apology for their not having directed their thoughts to objects of internal improvement.

Though they did not gratify the king, by granting that extent of toleration which he wished to establish, yet they discovered less severity against the Roman catholics, than what prevailed in the former and succeeding parliaments.

The second parliament of William is entitled to the grateful acknowledgments of posterity, for their repeated efforts to secure the purity and independence of their successors: and the triennial bill will remain an everlasting trophy of their patriotic success. At the same time, it cannot be denied, that inquiries into corruptions and public miscarriages were not only instituted, but conducted, so much in the temper of party, and from the influence of factious motives, that they were as little productive of honour to those, who prosecuted them, as of advantage to the nation.

In the interval between the dissolution and the meeting of parliament, the king made an effort to extend his personal influence, by mixing, more than he had hitherto done, in public companies and amusements, and by visiting some of the nobility and gentry at their country seats. Such, however, was the incorrigible dryness and reserve of his demeanour, that his personal conversation and address added little to his popularity \*.

\* Burnet, 1695.

Few persons, suspected of attachment to James, were returned in the third parliament of William; but in the list of the new members were many disgusted whigs, who, though sufficiently inclined to thwart the measures of the court, did not mean to carry their opposition so far as to injure the safety of the government<sup>3</sup>.

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1695.

No material change in administration had taken place during the recess of parliament. The principal offices remained in the hands of the whigs, who possessed the greatest share of the confidence and private favour of the king.

The third parliament of William met on the twenty-second of November. M. Foley, who had been chosen speaker of the house of commons upon the expulsion of sir John Trevor, was again preferred to that honour. The king expressed confidence in the good disposition of his new parliament, and of their unanimous zeal in the prosecution of the war. He praised the bravery of the English troops, which had so essentially contributed to the prosperous change of affairs. He regretted the necessity of demanding as large supplies as had been formerly granted. He complained of the deficiency of the funds, and of the debts upon the civil list. He recommended the French protestants to the generosity of the nation. He represented the ill state of the coin as an additional, but necessary expence, which demanded the attention of the commons.

The third  
parliament  
meets.

As the former parliament had closed their services with a popular act, so the present commenced their political career with a measure, no

<sup>3</sup> Barnet.

CHAP. less consonant to justice, than to the general de-  
 XVI. fire of the nation. The arbitrary spirit of the  
 1675. court, during the two preceding reigns, had been  
 most signally and fatally displayed, by the partial  
 condemnation, and cruel punishment, of persons  
 accused of treason. Though popular indigna-  
 tion, in the first instance, turned against the  
 court and those judges, who infamously had sub-  
 mitted to be the instruments of its corrupt mea-  
 sures, yet to the impartial inquirer it appeared,  
 that the distemper had a deeper root ; and that  
 the statutes, as they stood, afforded unfair ad-  
 vantages to the prince and his ministers, against  
 the unhappy subjects, who should fall under their  
 suspicion, and become the destined victims of  
 their resentment. To remove or to mitigate these  
 severities, the commons, in every successive ses-  
 sion of parliament since the revolution, had pro-  
 posed such amendments and regulations respecting  
 trials for treason, as were conformable to the  
 practice and laws of England in the case of other  
 crimes. The jealousy of the court, kept alive  
 by peculiar circumstances of danger, and the op-  
 position of the lords, covered under the pretext  
 of amendments, had hitherto frustrated every  
 bill framed with this view ; and disappointed the  
 reasonable expectations of many true friends to  
 the constitution. The subject was now resumed  
 by the commons, with a spirit, which evinced  
 their earnestness and resolution to pursue it ; for  
 they introduced it in preference to all other busi-  
 ness, and while the grant of supply was yet de-  
 pending. The lords debated on various clauses  
 in the bill, and proposed, as an amendment, that  
 all the peers should be summoned to the trial of a  
 peer

Bill for  
 regulating  
 trials in  
 cases of  
 treason,

25th Nov.

peer<sup>s</sup>. The commons, anxious to obtain the object of the bill, agreed to the amendment. The king, unwilling to enter into hostilities with a new parliament, assented, though he privately wished to postpone the reformation of the laws, till government had attained to a more advanced stage of vigour and tranquillity. The important clauses of the new act were, that persons indicted for high treason should be furnished with a copy of their indictment five days, and with a copy of the panel of the jurors two days, previous to their trial: that they should be admitted to make their defence by counsel: that the oath of two witnesses should be necessary to found an indictment: that every indictment should be restricted to crimes committed within the period of three years preceding the time of its being found, and the evidence confined strictly to the charges expressed in the indictment: that the accused should have like process to compel their witnesses to appear for them, as is usually granted to witnesses against them: and finally, that no evidence shall be admitted to any covert act that is not expressly laid in the indictment.

However much this bill may appear to be founded upon the essential principles of justice, yet the success of it was considered as an evidence of the declining influence of the court.

The unfavourable temper of the commons towards the king was displayed by a measure, which at once controlled the gratification of his private affection, and limited the exercise of his prerogative. After the last prorogation of parliament, he had conferred, upon the earl of Portland and his heirs, a grant of the lordships of Denbigh,

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XVI.

1695.  
21st Janu-  
ary, 1696,  
passes.

The commons address the king to withdraw a grant in favour of the earl of Portland.

<sup>6</sup> Journ. Lords, 23d December.

CHAP. Bromfield, and Yale. The gentlemen, whose  
 XVI. interests were immediately affected by this grant,  
 petitioned the lords of the treasury, during the  
 1695. king's absence, representing, that the property  
 transferred was unalienable; that the grant be-  
 stowed an extent of influence dangerous in the  
 hands of a subject, and was already appropriated,  
 in part, to the salaries of judges, and other essen-  
 tial offices of government. The commissioners  
 of the treasury were so much impressed with the  
 arguments produced in support of these allega-  
 tions, that they engaged to recommend the sub-  
 ject to his majesty's serious consideration. As  
 more than a month had now elapsed since his re-  
 turn, and the gentlemen concerned in this business  
 had received no satisfaction with respect to his  
 purpose of recalling the grant, they now applied  
 by petition to the house of commons. After due  
 consideration, the commons unanimously agreed  
 to address the king to put a stop to this grant to  
 the earl of Portland; and with their petition he  
 complied, professing not to have been aware of  
 the objections to which the grant was liable.  
 If the excess and irregularity of his majesty's  
 bounty, in this instance, excited popular clamour,  
 and exposed him to the mortification of being  
 disappointed, the early and important ser-  
 vices of the earl of Portland justified a more than  
 common attachment, lessened the impropriety of  
 the method by which it was expressed, and ought  
 to have prevented that personal asperity, with  
 which the opposition to it was conducted \*.

He com-  
 plies.

\* Journ. Commons, 14th, 17th, 23d January.

\* See Speech of Mr. Price; Ralph, vol. ii. p. 619.

To appease the discontents of the Scots, the king had been persuaded to approve of an act of their parliament, erecting a company for trading to Africa and the East Indies. This indulgence to Scotland had immediately excited general alarm among his English subjects, and was grievously complained of by the East India company, as a violation of their charter, and ruinous to their interest; and it was expected, that parliament would embrace the first opportunity of representing to the king the sentiments of his people. The lords entered at an early period upon the consideration of this business, and agreed upon an address, in which the commons also concurred, setting forth the several clauses of the act considered by them as prejudicial to the trade of England, in general, and to that of the East India company, in particular<sup>o</sup>. The king vindicated himself, by throwing the blame of this act upon his Scotch ministers, whom he immediately dismissed; and expressed his desire, that remedies might be found out for preventing the inconveniences apprehended by his subjects. The commons, not thinking these concessions sufficient, determined to exercise their resentment against the directors of the Scotch trading Company; and resolved that they should be impeached of high crimes and misdemeanours<sup>1o</sup>.

The severe loss which the trade of England had sustained in every preceding year, and particularly the last, had brought heavy reflections upon administration; and seemed to require an established plan for calling to account those persons, who, by treachery or neglect of trust, were accessory to

CHAP.  
XVI.  
1695.  
Proceed-  
ings of  
both  
houses  
with re-  
spect to an  
act of the  
Scotch  
parlia-  
ment, for  
extending  
the trade  
of that  
kingdom.

<sup>o</sup> Journ. Commons, 14th Dec. 1695.

<sup>1o</sup> Journ. Commons, 21st January, 1695.

CHAP. the public misfortunes. The commons, after  
 XVI. considering the state of the nation with respect to  
 1696. trade, resolved that a council should be established  
 for superintending it; and that this council  
 should be nominated by parliament<sup>11</sup>. This  
 measure was considered by the king and his  
 friends as a direct invasion of the prerogative;  
 which, if permitted in one instance, would open  
 a door for future encroachments, highly pernicious  
 to the influence of the crown. If parliament  
 wrested one branch of the executive government  
 out of his hands, they might progressively extend  
 their assaults to the utter subversion of the  
 prerogative, and effect a total change of the constitution<sup>12</sup>.  
 In the course of the debates upon this bill the whigs generally opposed it, and the  
 tories supported it: a striking instance of the  
 prevalence of personal attachment against the  
 avowed principles of party. The support which  
 the bill met with, and the aversion which the  
 king expressed against it, would probably have  
 been productive of great internal discord, if  
 events of a more serious nature had not engrossed  
 the vigorous application of both houses of  
 parliament<sup>13</sup>.

The king  
 offended  
 at it.

Many circumstances concurred, at the death of the queen, to inspire the agents of James, in England, with more favourable hopes of the disposition of parties towards the interest of their master, and to stimulate his friends to make some immediate attempt for accomplishing his restoration. They were sensible, at the same time, that no success could be expected without the aid of

<sup>11</sup> Journ. Com. 21st Jan. 12th and 18th Feb. 3d March.

<sup>12</sup> Burnet, 1696.

<sup>13</sup> Ralph, vol. ii. p. 624.



CHAP.  
XVI.

1696.

French troops; and, therefore, that it was in vain to lay down any plan for that purpose, without the approbation of Lewis. Great pains were taken, to convey to him the most favourable impressions of the number and strength of the malecontents in England, and to represent to him the advantage that would accrue to himself by overturning the government of William<sup>III</sup>. These representations, however, did not obtain that attention, which was expected by the persons who urged them. The success of the French arms in Spain during the campaign of one thousand six hundred and ninety-four, the inactivity of the troops of the empire, far superior in numbers, and the prospect of detaching the duke of Savoy from the grand alliance, flattered Lewis with the expectations of victories and acquisitions upon the continent, which would more immediately redound to his own personal glory, and the extension of his dominions. The death of the duke of Luxembourg, the ablest general in his service, the adverse events of the campaign of one thousand six hundred and ninety-five, and particularly the loss of Namur, disappointed these hopes; and gave a turn to continental affairs highly favourable to the allies. In this situation the French king began to listen to the suggestions of the agents of James, who assured him that the malecontents in England were ready to make an insurrection; provided they could be assured of his reinforcing them by a descent upon their coast. Preparations were now made for that purpose: transports were provided: troops, to the amount of twenty thousand, were drawn from the garrisons, and ordered to march to the

An invasion of England and an insurrection of the malecontents projected,

\* Macpherson's State Papers, 1695.

CHAP.

XVI.

1696.

2d March.

prove  
abortive,

in conse-  
quence of  
Lewis and  
the male-  
contents  
having  
been de-  
ceived  
with re-  
spect to  
each  
other's in-  
tentions.

vicinity of Dunkirk and Calais: the French fleet from Toulon was ordered round to Brest. James repaired to Calais, to be in readiness to embark for England as soon as his presence should be required there<sup>15</sup>.

This expedition, prepared with great industry and at great expence, and brought to the very eve of execution, proved abortive, from a mistake on the part of Lewis, which James had neither the firmness nor the candour to correct. The more readily to allure the assistance of Lewis, James had rather exaggerated the descriptions of the strength and prosperity of his friends; and had even gone so far as to assure him, that they were prepared to begin an insurrection, as soon as they should be encouraged to hope for any reinforcement from France. The commencement of an insurrection in England was therefore understood by Lewis to be the condition and signal of his interference; and he never intended that his troops should embark, till he had received information of that event having actually taken place. The malecontents, on the other hand, were led to believe, that they were only expected to take up arms when the French should appear on the English coast. James was not ignorant of this mistake; but he was afraid to undeceive Lewis, lest it should occasion the interruption or discontinuance of those preparations, which were essential to his own success<sup>16</sup>. In the mean while, the duke of Berwick, the natural son of James, was sent into England, to stimulate the resolutions and activity of his father's friends, and to persuade them to go beyond their first engage-

<sup>15</sup> Histoire de France: Oldmixon.

<sup>16</sup> Macpherson's State Papers, 1696

ments, by taking up arms, without waiting for the arrival of the French fleet, in assurance of support before they could be in any danger of being attacked by the army of William. The duke of Berwick, though neither deficient in the spirit of enterprise, nor in anxiety to extricate his father from the perplexity in which he was involved by his reserve with the court of France; was so much convinced, from near observation, of the weakness of his friends, and their incapacity to render him any effectual service, that no attempt was made by him to excite an insurrection<sup>17</sup>; and the preparations made with that view were unemployed and unavailing.

Another interesting event occurred, with the circumstances already mentioned, to put an end to this and every future attempt for restoring James by foreign arms, or internal insurrections. A conspiracy to assassinate the king, probably suggested or hastened by the disappointment of the invasion, was now detected, and many of the principal conspirators were apprehended<sup>18</sup>. This alarming

CHAP.  
XVI.  
1696.

A conspiracy to assassinate king William.

L 1 2

alarming

<sup>17</sup> *Memoirs of the Duke of Berwick*, 1696.

<sup>18</sup> The design of the conspirators was to assassinate king William, as he returned from hunting, in the lane between Turnham-green and Brentford. Two of them, captain Fisher and Mr. Pendergrafe, discovered the conspiracy to the earl of Portland, by which means it was prevented.

It is asserted by Burnet, and his transcriber Tindal, that the assassination of William was concerted at the court of Saint Germans, and that sir George Barclay received a commission from James to carry it into execution. Burnet, 1695. Tindal, vol. iii. p. 201. In support of this assertion, these authors adduce the testimony of sir John Fenwick: who said, that he had heard some of the friends of James, lately arrived from France, affirm, that they had seen a commission signed by James, for warranting an attempt to the above effect. Tindal, vol. iii. p. 192.

CHAP.

XVI.

1696.

Addresses,  
associa-  
tions, and  
other  
measures  
for se-  
curing the  
govern-  
ment.

alarming discovery not only turned the tide of opposition which was set in against the court, but became productive of events highly fortunate for William and the government. Affectionate addresses were presented by both houses of parliament; and the assurances which they contained were realised, by the immediate prosecution of vigorous measures for the ensuring of his safety and the stability of the constitution. His majesty was empowered to seize all suspected persons,

A French historian also accuses James of having given a secret commission to attack the prince of Orange, after having been wearied with so many fruitless attempts for recovering his throne, by fair and open force. *Abregé Chronologique de l'Histoire de France*; tom. viii. p. 398.

The accession or consent of James to the assassination of William, is insinuated in a memorial which was to have been delivered at the peace of Reswick, in vindication of William's government. *Somers' Collections*, vol. i. p. 401.

This charge, however, is by no means supported with evidence deserving of credit. James expresses the utmost horror at being suspected of such a crime; affirms, that he had often rejected proposals made to him for assassinating William; and insinuates, that these proposals proceeded from the instigation of his enemies, with a design to insnare him. *Life of James*, 1696.

It is evident, that the authors, who accuse James, fall into inaccuracy, by connecting the commands he gave to promote a general insurrection, with the intentions of those who conspired to assassinate William. The testimony of sir John Fenwick, when circumstances are attended to, appears to be of no weight in the scale of evidence. Under the dread of death, he wished to advance some claim to merit; and, to move the compassion of William, sent his lady to Dr Burnet, declaring that he had been shocked with the project of the assassination, and threatened to break with his party if they persisted in such an atrocious design. And, after all, his belief of the assassination was founded upon hearsay evidence.

All the conspirators, who were convicted, solemnly acquitted James, before their execution, of any knowledge or participation of the design of assassinating William. *Tindal*, vol. iii. p. 237, &c.

and

1696.

and to banish all papists from London and Westminster. It was enacted, that, upon the event of the king's death, the present parliament should not be dissolved. Both houses concurred in an association, binding themselves to stand by and assist each other, in defence of his person and government, against king James and all his adherents; and, in case his majesty should come to a violent death, to unite in revenging it upon his enemies, and in supporting and defending the succession of the crown, according to the act of the first year of the reign of William and Mary. It was declared, that no person who did not subscribe it, should be capable of holding any public office or trust<sup>19</sup>. The example of parliament was followed by all the counties, corporations, and subordinate classes of citizens. The sounds of loyal associations were heard in every corner; and expressions of attachment to the present government, and to the person of the king, were daily presented to the court<sup>20</sup>. The supplies this year were granted with great readiness, and amounted to five millions twenty-four thousand eight hundred and fifty-three pounds. To assist the credit of government, a new bank was erected, which was called a land bank, because the securities were to be upon land; and, as it had been projected and patronised by the leaders of the tories, it was expected that it would answer an important political purpose, by rendering

<sup>19</sup> Journ. Lords and Commons, 24th, 25th and 27th February, &c.

<sup>20</sup> Among these addresses there was one subscribed by an hundred young gentlemen, beseeching his majesty to receive them as a troop of guards for the preservation of his person; and devoting themselves entirely to his service when and wherever he should command them.

CHAP. they more obsequious to the court. Parliament  
XVI. was prorogued on the twenty-seventh of April.

1696.  
Trial of  
the con-  
spirators.

After the conclusion of this session, many persons were apprehended and tried; some for being accessory to the intended invasion, and others for being concerned in the conspiracy to assassinate the king. Among these; the most distinguished were, sir John Friend, who had acquired great wealth as a merchant in the city, and sir William Perkins, a gentleman of landed property, and one of the clerks in chancery. Of ten who were condemned, eight were executed, and two pardoned<sup>21</sup>. It is somewhat remarkable, that all the persons apprehended upon suspicion, were convicted upon the clearest evidence, and according to the forms of law, except sir John Fenwick, in whose case government found it necessary to have recourse to a bill of attainder<sup>22</sup>. The sentiments of the nation were divided with respect to the propriety of this measure, and the severity of administration was generally condemned. The reader will judge for himself, by attending to the following concise detail of the circumstances of the case, and of the arguments upon which the attainder was either justified or condemned.

Bill for  
attainting  
sir John  
Fenwick.

Debates  
on it.

Against sir John Fenwick, only one witness was produced; another witness had fled, but had previously been examined by one of the secretaries of state; and his evidence, together with the record of the conviction of Cook, one of the conspirators, afforded a strong presumption of sir John's guilt. The grand jury had found the bill,

<sup>21</sup> State Trials, vol. v.

<sup>22</sup> The attainder of sir John Fenwick did not pass till the next session of parliament; but, upon account of its connexion with the history of the conspiracy, I have introduced it in this place.

but his friends used many artifices to delay the trial; and, as at last the evidence of two witnesses in court was waning, there remained no other method of procuring his condemnation, but by a bill of attainder.

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1696.

It was argued by those who opposed the bill, that such a mode of trial and condemnation ought to be resorted to only in cases of the highest importance, where circumstances rendered it impossible to follow the course of law. When persons accused of treason made their escape out of the country, which was a tacit acknowledgment of guilt, there was no other remedy; or when they were found in arms, as was the case of the duke of Monmouth, no injustice was done in establishing their condemnation by the interposition of legislative authority. A departing from the ordinary methods of trial, without the plea of necessity, was one of the most dangerous expedients of tyranny that had been practised in the preceding reign, and had often been made the instrument of shedding innocent blood. The avowed reason for moving a bill of attainder, was not because sir John Fenwick could not otherwise be tried, but because he could not otherwise be condemned. The evidence which law required to convict any person accused of treason, and the advantages which it afforded him, were entitled to sacred respect, not on account of the mere authority of the law, but on account of the conformity of that law to the eternal rules of equity and justice. Admitting that the parliament had the power of dispensing with the ordinary forms of justice, yet it would be dangerous to do so, except in cases the most urgent; and it would be peculiarly inconsistent, in that very parliament, which had reformed the laws of treason,

CHAP. to set them aside by the wanton exertion of le-  
XVI legislative authority.

1696.

They, who contended for the act of attainder, founded their arguments entirely upon the extremely perilous situation of the kingdom. It was notorious, that, while an invasion from France was impending, many persons at home were conspiring against the government and the life of the king. It would be easy for such to elude punishment by removing witnesses, and to carry on their treasonable designs with such address as might screen them from danger, if there were no means of conviction, but those which were published, and therefore guarded against by the foresight and caution of the criminal. Sir John Fenwick's condemnation was not desired by government from any motive of resentment, but on account of its influence as an example; to shew that there was a remedy in cases, where ingenuity might take advantage of the forms or lenity of law. In point of essential justice, it made little difference, whether the person suspected fled from his country himself, or removed the witnesses against him; or by any other method destroyed the means of conviction prescribed by the statute; while yet there remained sufficient proof to satisfy every conscientious person of his guilt. Both parties agreed, that the legislative authority might dispense with the ordinary forms of law in cases of extraordinary importance. The only question, upon which they could differ, was, Whether the present case came under that description, and whether passing the present bill would contribute to the benefit, or injury of the constitution? It was a precedent, which even the movers of it wished never to be followed, except in cases like the present, where the very existence

of



of government was at stake <sup>23</sup>. The bill was CHAP.  
XVI. carried in the house of commons by an hundred and eighty-nine votes against one hundred and fifty-six, and in the house of lords by sixty-eight 1696.  
It passes. votes against sixty-one.

Though it may be candidly admitted, that principle, and a true regard to the interest of the nation, had great influence on many who voted for this bill, yet there is great reason to suspect, that less honourable motives operated upon the minds of some, who appeared most anxious for its success. Sir John Fenwick, in hope of obtaining a pardon, had not only made an offer of important discoveries, but had named several persons of rank, and some in office, as concerned in the late conspiracy. This information, though censured by the house of commons as false and malicious, and represented in the same colours by the most respectable historians of that period <sup>24</sup>, appears, from the evidence lately published, to have been well founded, and could not fail to provoke the resentment of individuals, whose safety depended on removing, at any rate, and by any measure, such a dangerous instrument of discovery and accusation <sup>25</sup>.

The

<sup>23</sup> Journ. Lords and Commons, November, December, and January, 1697. Lords' Debates, vol. ii. Ralph, vol. ii. p. 693.

<sup>24</sup> Journ. Commons, 6th Nov. Burnet.

<sup>25</sup> Mr. Macpherson, upon the authority of the Life of James, imputes the attainder of Sir John Fenwick to a personal enmity of William against him. Macpherson's History, vol. iii. chap. 3. Life of James, 1696

If the Life of James is admitted as authentic, on the one hand, with respect to every allegation and fact favourable to his own character; and as equally authentic, on the other, in establishing every insinuation reproachful to the character of William; it is obvious what the consequence must be, and how unfairly a person, trusting to such information, must judge, concerning

CHAP.  
XVI.1696.  
Campaign  
1696.

The campaign of the year sixteen hundred and ninety-six, as it was in effect the last, so it was the most inactive and uninteresting which happened in the course of the war. The operations of the allies were greatly cramped, and the spirit of the English army, in particular, depressed, by the failure of the supplies voted by parliament. The project of the land bank, upon which great expectations were founded, had utterly misgiven, and the recalling of the debased coin, in obedience to a resolution of parliament, made such a scarcity of current money, and such a stagnation of trade, as ruined many private fortunes, and staggered the credit of the nation at large. The whole address, and ingenuity of commanders, were employed to sustain the army, under declining credit, and to keep them in good temper, under the hardships which they suffered from want of pay. Fortunately, the exhausted state of the French finances, as well as great internal scarcity of provisions, disabled them from taking any advantage of the distress of the allies; and, except the withdrawing of the duke of Savoy from the confederacy, no material event happened in the course of this campaign. And as that event had been foreseen, it was wisely provided against by our generals; and did not produce the alarm and confusion which might have arisen, if it had been

cerning the conduct of James and William. The attainder of sir John Fenwick is an example of the prudence of William, in restraining his resentment. He was not ignorant of the treachery of some of those persons, whom, at that time, he honoured and employed. Had he been prone to resentment, he might have gratified it more extensively and effectually, by saving sir John Fenwick, and admitting him as an evidence against those men, whose treachery was aggravated by ingratitude: but, upon this and many other occasions, William sacrificed resentment to considerations of prudence and generosity.

conducted

conducted in a private and concealed manner, and taken them at surprise <sup>26</sup>.

CHAP.  
XVI.  
Sir 1696.

<sup>26</sup> The duke of Savoy was attached to the court of France; but, under the impulse of resentment against Louvois, the French minister, he joined the confederacy. The French agents had been secretly tampering with him, ever since the commencement of the war: the allies trusted him with reserve and jealousy; and were fortunate enough to delay the payment of the subsidy due to him according to treaty, while he, on the other hand, in order to obtain it, endeavoured to conceal the negotiations, now advancing, for a separate peace between him and France. He obtained the restoration of all the places taken from him during the war, and four thousand livres for reparation of the damages which he had sustained; but what, more than these advantages, contributed to aggrandize his family, was a marriage contracted between his daughter and the duke of Burgundy, eldest son of the dauphin. *Annals of Politics* 1696.

Lamberti gives the following curious account of the duke's defection: "A messenger was dispatched by the court of France, to inform the duke of Savoy of the intended assassination of king William; and to represent to him, that this notice was given from motives of friendship. It was suggested to him, that he might now obtain advantageous terms from France; but if William, the keystone of the alliance, should fall, what could he do? The duke was struck with astonishment; the messenger took advantage of this, and declared, in a peremptory manner, that he must immediately take his resolution, and return his answer. The duke begged to be indulged in a single half hour to deliberate: he walked about for a little while in his closet; and then accepted of the conditions of peace offered to him by France." *Lamberti*, 1696.

The following paragraph, much to the same purpose, occurs in the *Monthly Mercury* of April 1696, under the article *Italy*.

"The new project of the French king, and of James, upon England, was as soon known in Italy as in Holland. A courier was dispatched from the duke of Orleans to the duke of Savoy, his son-in-law, to lay before him the projects of the king of France and of James; and without discovering the conspiracy, at the same time set on foot against the person of William, told him only, that measures were taken for restoring James which were infallible; and therefore exhorted him not

"to

CHAP.

XVI.

1696.

July.

June.

Sir George Rooke, who had sailed with a large fleet from Cadiz, was recalled upon the discovery of the conspiracy. The English fleet afterwards sailed under the command of lord Berkley, and made some depredations upon the coast of France; but this advantage was balanced by the success of the French admiral, Du Bart, who fell in with a large fleet of merchant ships belonging to the Dutch, under the convoy of six frigates. The frigates were taken, and four of them burned. Thirty of the merchant ships were destroyed<sup>27</sup>.

The second session of the third parliament of William met on the twentieth of October. The preceding campaign, barren of events and success, afforded the king no materials for congratulation in his speech to the parliament. He was happy, he observed, that the year had passed, without any disadvantage abroad, or disorder at home, considering the disappointments arising from the funds, and the difficulties which had attended the recoining of the money. This, considered as a proof of the disposition of the army, and of the steady affection of his people, gave him great satisfaction. He acquainted them, that some overtures had been made for a general peace; notwithstanding which, he urged the necessity of liberal supplies, for carrying on the war, and making good the funds already granted. He recommended to their consideration the inconveniences which still remained with respect to the coin, and hoped they would find out the best expedients for recovering public credit, absolute-

"to lose a minute's time in making a private and advantageous peace, to prevent him from being involved in the ruin of the confederates, which would be sure to follow the approaching revolution."

<sup>27</sup> Lives of the Admirals, vol. ii. p. 423.

ly necessary for maintaining the war, and carrying on trade. CHAP. XVI.

The patriotic exertions of the commons in this session, deserve to be remembered with the warmest gratitude by posterity. Both admiration and esteem are called forth, while we consider the ingenuity of individuals, in devising expedients, to deliver the nation from the most pressing embarrassments; and the generosity of parties, in suspending animosities, and cordially adopting those measures, which were essential for restoring national credit and prosperity. While the example of their wisdom and success inculcates this encouraging maxim, that the patriot ought never to despair under the darkest and most perplexing aspect of public affairs, the resolutions and measures, which they pursued, exhibit specific remedies for similar calamities, if they should occur at any future period. I shall only, in general, mention those facts which give an astonishing view of the spirit and wisdom, displayed in the house of commons. Every former session of parliament, since the commencement of the war, had never proposed any thing farther, than to impose taxes adequate to the interest of the principal sums borrowed for the services of the year; and they had often failed in this purpose, through the insufficiency of the funds for the payments assigned to them, and exchequer tallies were discounted at the rate of thirty or forty per cent. The house of commons, during this session, not only provided funds for raising the whole supplies within the year, but also for discharging the deficiencies of all former supplies. The sum of five hundred and fifteen thousand pounds was voted for the relief of the civil list, which was, in arrears, and the sum of one hundred and twenty-five thousand pounds,

1696.  
Measures  
to relieve  
the embar-  
rassments  
of the re-  
venue.

## C H A P. XVII.

*Symptoms of the Approach of Peace.—Plenipotentiaries meet at Ryſwick.—The Emperor and the King of Spain averſe to Peace.—The latter brought over by the Succeſs of the French Arms.—The Election of a King of Poland makes Lewis more deſirous of the Peace.—Articles ſigned.—Merits and Effects of the Peace.—Miſunderſtanding among the Allies the Cauſe of circumscribing the Advantages of it.—No Toleration obtained for the Proteſtants under the Dominion of France.—Charge againſt King William for conſenting that the Son of James ſhould ſucceed to the Crown of England—founded upon the Conferences between the Earl of Portland and the Marſhal Boufflers.—Conjectures of contemporary Hiſtorians concerning the Subject of theſe Conferences.—Extract from the Life of James, charging King William with having conſented to the Succeſſion of his Son.—Reasons for calling in queſtion the Authority of this Extract.—Circumſtances which render the Fact alledged improbable.—Origin of this Aſperſion upon the Memory of William.—The Succeſſion of the Son of James deſired by Lewis.—Conjecture founded upon the Authority of the Duke of Berwick.—The Subject of the Conferences between Portland and Boufflers.—Information of Burnet.—His Character as a Hiſtorian.—Account given by the Marquis de Torcy concerning the Conferences between Portland and Boufflers.—Inferences from the Memorials and Inſtructions ſent to the Plenipotentiaries at Ryſwick.*

CHAP.  
XVII.

1697.

**A**S ſome of the events of the preceding year tended to diſpoſe the inclinations of the contending powers to peace, ſo ſteps had been actually taken to circumscribe the operations of the war; and various circumſtances concurred to excite

excite the hope of bringing it to a conclusion in the course of the next campaign. CHAP. XVII.

The defection of the duke of Savoy, while it restored peace to Italy, spread a spirit of fear and distrust among the confederates <sup>1</sup>. The disappointment of the French invasion, and, in consequence of this, the failure of the conspiracy intended by the friends of James in England, extinguished the hope of re-establishing his power by the continuance of the war <sup>2</sup>. The ambition of the French king was still alive, but the object of it was changed, and appeared to be attainable only through the medium of peace. The infirm constitution, and precarious life of the king of Spain, flattered Lewis with the near prospect of advancing the honour and dominion of his family, by the accession of an extensive and opulent empire. But his claim to it, though founded upon the right of lineal succession, was cut off by the former treaties, which would certainly be enforced by the arms of the confederacy <sup>3</sup>.

Influenced by these considerations, the French king sent Monsieur Callieres to the Hague, to propose overtures for a general peace to Dykevelt, minister of the States; who had been warned by William to listen to them with reserve, and upon the express condition that nothing should be concluded without being communicated to the allies <sup>4</sup>. One important article was contained in these preliminary overtures, namely, that the title of William to the throne of England should be acknowledged by France in the most explicit terms; and this alone, notwithstanding other

<sup>1</sup> History of Europe.

<sup>2</sup> Life of James, 1595.

<sup>3</sup> Variations de la Monarchie Française, tome iv. 1697.

<sup>4</sup> Ralph, vol. ii. p. 677.

C H A P.  
XVII.

1697.

Plenipo-  
tentiaries  
meet at  
Ryswick.

The em-  
peror and  
the king  
of Spain  
averse to  
peace.

circumstances of disagreement, gave the fairest hopes of approaching peace<sup>5</sup>. The king of Sweden was also engaged, by the solicitation of France, to offer his mediation for procuring a general peace; and plenipotentiaries were appointed by England and France to enter into negotiations for that purpose<sup>6</sup>. After no small altercation about the place of meeting, it was agreed, that the conferences should be held at Newburg-house, a palace belonging to the prince of Orange, between the Hague and Delft, and close by the village of Ryswick<sup>7</sup>. The conferences began upon the ninth of May, one thousand six hundred and ninety-seven.

As the emperor and the king of Spain had been brought with difficulty to consent to the commencement of negotiations for peace, so they both discovered repeated inclinations to discontinue and thwart them<sup>8</sup>. The aversion of the emperor to a peace may be traced to the same cause, which rendered the king of France so solicitous to obtain it. Upon the death of the king of Spain, these two princes were to enter the lists, in competition for the Spanish monarchy; and, considering the advantages the French king derived from the argument of natural justice, from proximity of situation, and military force, the emperor could entertain no

<sup>5</sup> Historians of the Times.

<sup>6</sup> Charles the Eleventh, king of Sweden, died before the commencement of the negotiations for peace; but the mediation of his successor, Charles the Twelfth, was offered and accepted. The earl of Pembroke, viscount Villiers, and Sir Joseph Williamson, were named plenipotentiaries by the king of England. To Callieres, the French king added Crecy and Harlay.

<sup>7</sup> Monthly Mercury.

<sup>8</sup> Histoire de France, tom. iij.



prospect of success, without the assistance of a confederacy, formed upon a jealousy of his rival. Such a confederacy, already subsisting, might act with promptitude and vigour; but, if once dissolved, it was evident that the renewal of it would be difficult and uncertain; and that, in every view, it must be attended with delay which might prove fatal to its design.<sup>9</sup>

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The ambiguity with which France treated concerning the restoration of some of the places taken from the emperor and Spain in the course of the war, and the proposed substitution of an undefined equivalent, afforded a more colourable pretext for opposing the peace. The reluctance of Spain was at first cherished by the influence of a faction at court, adverse to the claim of France upon the Spanish monarchy; but this, as well as other motives of opposition, was surmounted in the progress of the treaty, by the ill success which still attended her arms.<sup>10</sup> The losses which Spain had hitherto sustained, during the course of the war, in distant regions of the empire, were easily concealed from a prince, whose mean understanding, and bodily infirmities, rendered him incapable of receiving impressions of calamity or danger, which did not immediately fall under the observation of his senses. But when Barcelona, situated in a contiguous province, was invaded, and at last yielded to the arms of France, the consternation, which agitated the court, quickly dispersed every scruple and objection to the general pacification.<sup>11</sup>

The latter brought over by the success of the French arms.

M m 2

In

<sup>9</sup> Torcy, vol. i.

<sup>10</sup> Ibid.

<sup>11</sup> Spain also lost Aeth in the course of these negotiations. The king was so ignorant as to believe that Mons belonged to the king of England, and to pity that prince when it was taken by

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The  
election of  
a king of  
Poland  
makes  
Lewis  
more de-  
sirous of  
peace.

27th July.

Articles  
signed.

In the course of the negotiations an event occurred, which rendered France still more eager for the attainment of peace; and disposed her to relax somewhat of the rigour of those demands, which evidently militated against justice, and the interest and honour of the allies. She had exerted her utmost influence to obtain the vacant throne of Poland for the prince of Conti, whose elevation she expected would contribute to strengthen her hands against the allies; and she was just upon the eve of establishing his success, by the influence of the cardinal primate, when the elector of Saxony became a competitor, and, by declaring his conversion to the Roman catholic religion, detached the cardinal from the party of France; and, by engagements to the Polish nobility, secured their suffrages for him at the election<sup>12</sup>.

The peace now advanced without any material interruption; and the articles of it were signed by the English, Dutch, Spanish, and French ambassadors, on the twentieth of September, one thousand six hundred and ninety-seven. The imperial and electoral ambassadors, by the instigation of the emperor, entered their protestation against it<sup>13</sup>. It was impossible that the emperor could stand single and unsupported against the power of France. His pride and obstinacy were, however, in some measure satisfied, by the re-

by Lewis. Torcy, vol. i p. 8. A French fleet was sent to the West Indies, and took Carthagena; and, though that event was not known till after the peace was signed, yet the fear of it may be supposed to have had influence upon the court of Spain, 20th September 1697.

<sup>12</sup> Histoire de France, tom. iii.

<sup>13</sup> Ralph, vol. ii. p. 753.

luctance and hesitation of his concessions to the  
 constraint of political necessity. He first con-  
 sented to a cessation of hostilities with France: he  
 next accepted of Brisac and Frisburg, as an equi-  
 valent for Strasburg; and, at last, he put the  
 finishing hand to the peace, by signing the arti-  
 clès, with expressions of discontent, a month  
 after the rest of the confederates <sup>14</sup>.

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By the terms of the peace, no new or striking  
 advantage was obtained by any of the contending  
 powers; and the political state of Europe was  
 placed nearly in the same posture as that, in which  
 it had stood at the commencement of the war.  
 In this simple and general view, the treasure and  
 blood of the confederates may appear to have  
 been wantonly and unprofitably lavished; and  
 England, which contributed more than her pro-  
 portion of both, though she had least to expect  
 from the successful issue of the war, may appear  
 to deserve the greatest share of that censure  
 which is due to rash and destructive policy.

Merits  
 and effects  
 of the  
 peace.

In order to estimate, candidly and truly, the  
 merits of the peace of Ryswick, so far as they  
 relate to the interest of England, it is necessary  
 to recollect the motives, which engaged her to  
 enter into the war, and the advantages she ex-  
 pected from the prosecution of it.

<sup>14</sup> By the fourth article of peace, the French king promises,  
 for himself and his successors, that he will on no account what-  
 soever disturb the king of Great-Britain in the possession of the  
 kingdoms, &c. which he now enjoys; and therefore engages,  
 upon the faith and word of a king, that he will not give any  
 assistance to any enemy of the said king of Great-Britain; and  
 that he will in no manner whatsoever favour the conspiracies  
 which ill disposed persons may, in any place, contrive against  
 said king. See the articles of the peace, Life of William,  
 vol. iii. Appendix, p. 22.

There

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There were, evidently, two principal objects of the war, interesting both to England and the allies: 1st, It was intended to control the ambition and depress the power of France: 2dly, It was necessary to confirm the revolution, and to secure to William the possession of the throne of England. In the first of these, England was interested more remotely, and conjunctly with the other confederate powers; but the other, namely, the confirmation and permanent establishment of the revolution settlement, was her peculiar, appropriated concern; though, by its immediate effects, it was intimately connected with the former, and so far reckoned an object of general concern to the allies. The zeal of William to humble France, supported by the wealth and power of England, it was believed, would fully answer the most sanguine expectations of the confederacy. It has been observed, in preceding passages of this history, that the power of France, from a variety of incidents, had ascended to such a pitch as to excite universal jealousy and alarm. From her repeated incursions into the frontiers of Holland, as well as from her intrigues with internal factions in the States, it could not be doubted, that they, after the conquest of the Spanish provinces in the Low Countries, were destined to be the victims of her ambition. If the power, and, particularly, the maritime power of France, had been augmented by the conquest of Holland, or even by its reduction to a state of dependence upon her; the commerce, the opulence, and the force of England, must have been, in proportion, restricted and diminished. Nay, there was ground to apprehend, that, in consequence of such an event, the independence and constitution of England would have been exposed to extreme hazard. Attending to these circumstances,

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stances, it is natural to suppose, that the patriotic anxiety of William for Holland rendered him sedulous to propagate a terror of the power of France, in order to associate neighbouring princes in a common scheme of defence; and particularly to cherish, as far as his influence extended, in England, an impression of the inseparable connection of her interest with that of Holland. His elevation to the throne of England augmented that influence: but it is evident that he did not plant or inspire those sentiments of opposition between the interest of France and England, or of a connexion between that of England and Holland. From the whole tenor of the preceding history we have seen, that a jealousy of France was the predominant passion of the English, that the opposing this passion was the cause of the discontent and factions, which disturbed the reign of Charles the Second; and that the well-known conformity of the sentiments and affections of William to those of the English, with respect to foreign politics, first excited the strong prejudices of the nation in favour of that prince, and paved his way to the throne of England. The desire of reducing the power of France was not, therefore, suggested by William to the people of England; but was already engraved upon their hearts, and disposed them to enter, with full approbation, into the war; and, in the prosecution of it, to submit to public burdens, unexampled in any preceding period. How far then was this object attained by the war, or finally secured by the peace. It will be readily acknowledged, that the success of the war was not adequate to what might have been expected from the collected forces of the confederates, and the spirit and views with which they entered into it; and, in the same proportion, the terms of peace fell short of those views,

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views, which had been generally indulged at the commencement of hostilities; and were found, after the experience of a few years, insufficient to restrain the usurping spirit of Lewis. But still, though the territorial dominions of France were not impaired, nor her ambition extinguished, nor the power of gratifying it, in future, annihilated, there remained obvious and important advantages, which ought fairly to be ascribed to the war, and which were sufficiently secured by the articles of the peace. The encroachments, which the French king attempted to make upon the provinces of Spain, of the empire, and the States, were prevented: their frontiers were defined, and better fortified against any future assaults from France: her internal power was weakened: her resources were exhausted; and she was reduced to a state less formidable to Europe, than that, in which she stood previous to the resistance she met with from the arms of the confederacy.

As the opposition of France to the revolution in England, and the assistance she promised to James, was another cause of the war, so the acknowledgment of the right of William, in the most explicit terms, and the renunciation of any future support to the dethroned prince, which were fully obtained and secured by the peace of Ryswick, gave confirmation and stability to the revolution. In this view, its merits must stand high in the estimation of every friend to liberty and the constitution. If the revolution was indispensable to the attainment and preservation of these; if the fruits of it, which we ourselves have reaped, exceed the most sanguine hopes and calculations of those, who were the instruments of promoting it, can we hesitate to pronounce, that it was impossible for the nation to pay too great a price for such inestimable blessings; and,

that

that it would have been dastardly and treacherous in our fathers, to have shrunk from expence and dangers, which were necessary to render them secure and permanent to their posterity?

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Though these substantial advantages were obtained by the war, it must be regretted, that an unfortunate misunderstanding among the allies, after the commencement of their negociations for peace, was not only the occasion of their sacrificing the interests of their common friends, but of their thwarting one another in articles, in which the honour of the principal members of the confederacy seemed to have been deeply engaged. The dutchy of Lorrain was restored to its proprietor, in that dismembered, dependent condition, to which it had been reduced by the peace of Nimeguen; and to which his predecessor never had consented<sup>15</sup>. The expectations of the French protestants were fatally disappointed by the conclusion of the peace. They had met with a kind reception from the king and the people of England, and were encouraged to hope, that their restoration, and the free exercise of their religion, would have been made a condition of the

<sup>15</sup> The duke of Lorrain had rendered essential services to the emperor and the States, in the war concluded by the peace of Nimiguen 1678; and yet, by the terms of the peace, he was almost entirely subjected to the discretion of France, which insisted upon retaining the property of lands running through his country. To these terms he had refused to consent. Upon the commencement of the war 1689, he was appointed to the chief command of the imperial army; and, at the same time, he published a manifesto, declaring war against France, in his own right. His death, April 1690, when he was just preparing to take the field, was reckoned ominous to the allies; as he was esteemed a gallant soldier and able general. The desertion of the son, who was a minor, at the peace of Ryswick, brought a great stain upon the allies.

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the treaty; but, as if it had been a matter of inferior moment, or, perhaps, from a foreboding of disappointment, their business was postponed till the close of the treaty. Two days before signing the articles between England, Spain, Holland, and France, a memorial was presented by the Dutch plenipotentiaries, in favour of the protestant refugees. The French king received the proposal with displeasure, and declared, that he considered it as an invasion of his prerogative, for foreign princes to presume to interfere in any subject connected with the internal government of his kingdom<sup>16</sup>.

No toleration obtained for the protestants under the dominion of France.

The protestant religion sustained a shock in another instance; after it appeared secure, by the first steps in the negotiations for peace. In conformity to the articles of the peace of Westphalia, admitted as the basis of the present treaty, as well as the fundamental laws of the empire, and repeated and solemn ratifications, it was demanded by the ambassadors of the protestant princes, that the Lutheran religion should be tolerated in Strasburg, and other cities of Alsatia, left in the possession of France; but this demand, however just, and however much desired by king

The queen of Poland presented a memorial to the plenipotentiaries, representing, in spirited and pathetic terms, the injustice done to her son and family. The restoration of Lorrain to her son, she demanded as a preliminary to the peace. "I plead," says she, "in behalf of four orphan children, of whom the eldest is Leopold duke of Lorrain, descended from sixty-seven dukes, one after another, of this august race, and so illustrious, that there is not any king or prince now living in Europe, no not the king of France himself, but has some of their blood running in his veins." *Monthly Mercury*, July 1697. The tenth article of the treaty relates to Lorrain; but does no more than renew what was agreed to at Nimuegue, to which the late duke never had contented. *Ibid*.

<sup>16</sup> Tindal, vol. iii.



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William and the States, was defeated by the bigotry or ill humour of the emperor, who agreed, by the fourth article of the treaty with France, that the Roman catholic religion should remain in the same state, in the places restored, as it then was. A joint remonstrance against this article was presented by the ministers of the protestant princes, but could not procure the suppression of it; and, of consequence, a great number of protestant churches was condemned.<sup>27</sup>

Whatever demerit was contracted by the neglect of the protestant interest, and whatever injuries it sustained, in the instances now mentioned, at the peace of Ryswick, they are equally chargeable upon all the protestant powers who were engaged in the confederacy. A charge of a more heinous nature, and deeply affecting the veracity and the honour of William, was obliquely insinuated immediately after the conclusion of the peace; but met with little credit at that period. It has been again revived by a late historian, and affirmed with such positive assurance, and with such pretensions to proof, as require a full and accurate discussion, in order to form a just opinion of the character of William, and of the internal state of politics in England.<sup>28</sup> The charge against him is this; that, by a secret article of the treaty with Lewis, he consented that the son of James should succeed to the crown of England after his own demise; and that, upon this express condition, Lewis engaged to acknowledge the title of William, and to give him no disturbance in the possession of the crown during the remaining part of his life.<sup>29</sup>

Charge against king William, for consenting that the son of James should succeed to the crown of England.

<sup>27</sup> Burnet, 1697.

<sup>28</sup> Macpherson, vol. ii. c. 3.

<sup>29</sup> Ibid.

That

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Founded  
upon the  
conferen-  
ces be-  
tween the  
earl of  
Portland  
and the  
marshal  
Boufflers.

That the reader may be enabled to judge, of the full information, concerning the nature and evidence of this charge, I shall now recite the circumstances from which it arose, and attend to the different inferences drawn from them by contemporary authors. I shall next give a fair account of the authority and evidence, upon which the opinion of Mr. Macpherson is founded; and finally state the objections, to which, both that evidence and his conclusions, are liable.

After the treaty of peace had been carried on for three months, without the near prospect of conclusion, the curiosity and expectation, of all the different parties concerned in it, were attracted by a new and unlooked-for scene of negotiation. The earl of Portland, the confident king William, and marshal Boufflers, one of the generals of France, often met between the two armies near Hall, without attendants, and continued for a considerable time in conference. The first of these conferences was held on the tenth of July, one thousand six hundred and ninety-seven; they were repeated on the fifteenth, the twentieth, the twenty-sixth, of the same month, and concluded on the fourth of August, when, after having remained several hours in the field, the earl and the marshal retired to a house in the suburbs of Hall, called for pen, ink, and paper, and, it is supposed, reduced to writing the subject or terms of peace, which they had previously discussed and settled in the field. The day after this last interview the king left the camp, and retired to Loo; and the earl of Portland was sent to acquaint the commissioners of the allies, that, so far as concerned his master,

every thing was settled between England and France; and to recommend to them, and particularly to the agents of the emperor, who had hitherto appeared tardy and dissatisfied, to hasten their endeavours to bring about a general peace.

It never was clearly ascertained, whether these detached conferences, between Portland and Boufflers, were first proposed by William or Lewis; and, as the subject of them remained a profound mystery, not only to the world, but to the plenipotentiaries of the confederates, they proved the occasion of various conjectures, and excited the hopes and the fears of different parties. Doctor Burnet asserts, that the earl of Portland told him, that the subject of these conferences was concerning king James <sup>22</sup>. Kennet informs us, that many of king William's friends entertained a suspicion, that he had entered into a private agreement with the king of France about king James, or his issue, upon conditions of having the peaceful enjoyment of his dominions during life, and of being acknowledged king of Great Britain by his Christian majesty; that some were of opinion, that these conferences related to the dowry of king James's queen; and that others again, at a later period, conjectured, that they were the foundation of the partition treaty, afterwards concluded between William and the king of France <sup>23</sup>. The author of the Life of William adopts the narrative of Kennet <sup>24</sup>. In an extract of the Life of James, published by Mr. Macpherson, it is positively affirm-

<sup>21</sup> Vie de Boufflers. Life of William.

<sup>22</sup> Burnet, 1697.

<sup>23</sup> Kennet, vol. iii. p. 737.

<sup>24</sup> Life of William, vol. iii. 1697.

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Extract  
from the  
Life of  
James,  
charging  
king Wil-  
liam with  
having  
consented  
to the suc-  
cession of  
his son.

"prevailed with the prince of Orange, to con-  
sent that the prince of Wales should succeed  
to the throne of England after his death."  
But, according to the same extract, "the pro-  
posal was rejected by James, upon the score of  
conscience. He could not support the thoughts  
of making his own child an accomplice to his  
unjust dethronement." Upon the authority  
of this extract, Mr. Macpherson admits it as a  
fact, that the succession of the son of the exiled  
king was the subject of the secret negotiations,  
carried on by the earl of Portland and marshal  
Boufflers; that William consented to the son of  
James succeeding to the throne of England after  
his death; that Lewis engaged, upon this con-  
dition, to acknowledge his title, and allow his  
reign to elapse in peace; and that thus, a mystery,  
long impenetrable, is now clearly developed.  
From these conclusions, this historian declaims,  
with pointed invective, against the hypocrisy, the  
ambition, and the treachery, of the man, whose  
actions have been hitherto ascribed to public spirit,  
and zeal for the cause of civil and religious liberty.  
In order to sustain the charge, and, perhaps, to  
extenuate the guilt involved in it, he enumerates  
the motives, which, probably, prevailed with  
William to sacrifice honour, principle, and con-  
sistency of character, to political advantages.  
But if the fact is once admitted, the propriety  
of the detraction will not be controverted; and  
the character of William must sink, in the esti-  
mation of those, who, however much they may

<sup>25</sup> Life of James, 1697, Extract 2.

<sup>26</sup> Macpherson, vol. ii. c. iii.

be warped by the prejudice of party, still maintain inflexible principles of morality, and a supreme veneration for immaculate examples of honour and patriotism.

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At the very threshold of this dispute, the candid inquirer will find himself staggered with those circumstances suggested by Mr. Macpherson, with respect to the authority of that information, which is the solitary basis of such deep crimination, imputed to the character of William. It is acknowledged by this author, that the Continuation of the Life of James, from which the extract, containing this remarkable information, is transcribed, was written or composed, not by James himself, but by another hand<sup>27</sup>. But he adds, "As it was done under his inspection, and corrected by himself, it possesses as much authority as if it had been written by him, in his own hand<sup>28</sup>." To every inquisitive reader the following questions will spontaneously occur, as the solution of them appears most important, to direct his judgment upon the subject now under our contemplation. Who was the author or writer of the Continuation of the Life of James? From whom did he derive his information? From what evidence is it concluded, that the work was revised or corrected by James? Can any satisfactory reason be assigned, why James, who survived four years after the peace of Ryswick, and who had committed to writing, with incessant labour, many trivial incidents of his former life, should have laid down the pen, and discontinued his journal, when an event started up, so interesting to his family, so reproachful to the cha-

Reasons  
for calling  
in ques-  
tion the  
authority  
of this ex-  
tract.

<sup>27</sup> Life of James, 1697, Extract 2, in the note.

<sup>28</sup> Life of James, 1697.

acter

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Circumstances which render the fact alleged improbable.

But suppose again, that the proposal, of securing to the family of James the succession to the crown, had really been made by Lewis, agreed to by William, and imparted to James, is it credible, that it could have been concealed from the friends of the latter ? or, if the fact had been made known to them, that it should not have entered the circle of conversation, and added to the mass of political intelligence, among all parties in France and England ? It is not alleged, in the Life of James, nor pretended by Mr. Macpherson, that Lewis exacted any obligation to secrecy from James ; nor was there any reason why he should have come under such an obligation, since the transaction was begun and finished without his knowledge or participation <sup>29</sup>. Besides the difficulty of keeping a secret, so well calculated to gratify curiosity and excite astonishment, which are strong temptations to reveal secrets, various and pressing motives must have induced the friends of Lewis and James to divulge it to the world. The latter were depressed and offended by the coldness with which the affairs of their master were treated, during the progress of the negotiations at the congress, and at last driven to despair, and filled with indignation, when they found that his interests were treacherously neglected by Lewis, at the peace of Ryswick. After repeated and flattering promises, Lewis did not so much as insist, that the commissioners of James

<sup>29</sup> Life of Bentinck, Biographia Britannica.

should be accessory to the negotiations for peace. CHAP. XVII.  
 Even his memorials were excluded from consideration, nor did it appear, that any remonstrance or protestation was entered, in the name of the French king, in order to palliate the indignity of the affront, or any condition or advantage obtained by his intercession for James, to mitigate the severity of a sentence of degradation and exile, corroborated by 'the solemn engagements of the most considerable princes of Europe'. If the French king had stipulated for the succession of the son, and, more especially, if the rejection of this article no longer required it to be locked up in secrecy, he would have had something to plead with the friends of the father, to appease their resentment, and to vindicate the honour of his friendship. It might have been represented, fairly, in behalf of Lewis, that, when the circumstances of his own subjects were taken into consideration, discouraged, drained of money, depopulated by war and famine, the compromise he obtained for the family of James was a sufficient apology for a temporary, external dereliction of his interest.

But, supposing that James neither chose to admit nor to furnish others with any apology for the conduct of Lewis, by accepting his offer to secure the reversionary succession of the crown of England to his family, while his own personal title was formally disclaimed and abandoned; yet, what reason could he have for making a secret of a transaction, the discovery of which must have so highly redounded to his private advantage, both as it established the refined integrity of

<sup>10</sup> Tindal, vol. iii.

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his character, and might have effectually administered to the consolation of his friends, and the future support of his interest, ready to expire by their despondency, in consequence of the peace? James, according to the account extracted from his Life, rejected the proposal of Lewis; because it was fraught with injustice, and must have loaded his son with guilt. His friends, who boasted of his moderation and disinterestedness, in declining to accept the crown of Poland<sup>1</sup>, must have listened, with applause and delight, to a more striking example of the scrupulous rigour of his justice, and the power of his faith, by spurning at indirect means to establish a righteous cause, while he relied entirely upon the justice of Providence, for the restoration of the dignity and rights of his family.

In a political view, the communication of this important secret must have been salutary to the interests of James. How much would it have contributed to raise the drooping hopes of his friends, and to keep alive among them the spirit of union and enterprise, to have been informed, that the restoration of the royal family was proposed by Lewis, and that every obstacle to that desirable event would be removed by the death of William? The accomplishment of their fondest wishes was only for a short time to be delayed. The knowledge of such an important secret might easily have been improved into an anticipation of

<sup>1</sup> After the death of Sobieski, 1696, James was proposed, by some of the electors, to be his successor to the crown of Poland. Lewis made intimations of this to James, and probably wished him success, as it would relieve himself from his engagements to restore him to the throne of England. James refused the offer, because he thought it would imply a renunciation of his right to the crown of England. Life of James. 1696.



the object, which was yet distant and uncertain. CHAP.  
 If it had once transpired, that William had con- XVII.  
 sented to the restoration of the exiled family, the  
 disappointment and resentment of one party, no  
 less than the hopes and affections of another,  
 must have proved fatal to his dignity and life.  
 All parties would have contended, with assiduity  
 and zeal, to make their court, by whatever means  
 were most acceptable, to the house, to which the  
 royal power was to return and be attached.

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If no other purpose but the gratification of malice could have been obtained by it, yet that would have been sufficient inducement for proclaiming to the world a fact, so destructive of the reputation of William. He would have been held forth as the basest impostor, that ever made any pretensions to principles and patriotism. Considering the hazards to which such a compact must have exposed his dignity, his reputation, his life; he must have appeared, not only devoid of principle, but what his enemies never alleged, unacquainted with human nature, and utterly destitute of the first principles of prudence and policy. Would he have consented to a measure that put him so much in the power of his enemies? He well knew, that any concessions made by France, for his dignity and peace, were merely complimentary, and constrained by necessity; and that no obligation to honour or secrecy would have restrained Lewis from employing so fit an instrument to gratify his resentment, against a person, who seemed to be raised by Heaven to be a check and scourge to his ambition.

The silence of later authors, no less than the sentiments and behaviour of contemporary historians, heighten the incredibility of William's having been accessory, or consenting, to any

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proposal for restoring the exiled family. The malice of his enemies did not cease upon the expiration of his life and power. The rancour of a party, irritated by the success of his enterprise, and by their own disappointment in repeated attempts to overturn his power, was transmitted, with unabated vehemence, to the representatives of their families, and the successors of their principles; and the conduct of William has been sifted with all that severity of criticism, and attacked with all that asperity of invective, which are usually levelled against personal enemies, and the living authors of recent injuries. Is it not amazing, that a transaction, so decisively fatal to his reputation, should never have reached the ear open to the whispers of scandal, nor met the eye intent on the page of defamation? Among the multitude of severe inquisitorial searchers, who have ransacked every sequestered repository of information, nothing but the most profound silence remains, with respect to the fact now in question. Which then, let the judicious reasoner pronounce, which of the alternatives is best entitled to belief; that a fact so extraordinary and interesting should have escaped the observation and research of the curious, inquisitive, and malicious reader; or, that it should have been forged and interpolated at a later period, by enemies to the person and politics of William?

Origin of  
this asper-  
sion upon  
the memo-  
ry of  
William.

The suc-  
cession of  
the son of  
James de-  
sired by  
Lewis.

Nor, upon the supposition that this calumny, so injurious to the character of William, had spread immediately after the date of the transaction with which it was connected, would it require any stretch of ingenuity to account for its origin and currency, without admitting it to have existed in fact. The plan of restoring the scepter to the family of James must, unavoidably,

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ably, have entered into the mind of Lewis, when he found it necessary to depart from his promise to the father, and formed the resolution of acknowledging the title of William. Ashamed of having deserted his friend, but unable to adhere to his first engagements, he might, for the purpose of giving consolation to James, as well as for his own vindication, suggest the prospect of the son's elevation. He might undertake to lend his hand to accomplish it. Nay, he might probably proceed farther, and propose this compromise, at the congress of Ryswick, by way of peace-offering to James, indignant and humbled because his dethronement and exile were to be ratified in the terms of the peace. It was of little importance to Lewis, whether it was agreed to or not. His intention was answered; his breach of friendship, in some degree, expiated, if he had it in his power to say that he had made such a proposal. Indeed, from the influence of contingent circumstances in England, it was, at least, not an improbable event, that, without the mediation of Lewis, the son of James might succeed to the throne of his ancestors; but the consent of William, upon all rational grounds of political calculation, would have tended to obstruct, rather than to promote, that event. The ambition of the princess Anne, which often suppressed the returning emotions and struggles of natural affection, would instantly have taken alarm: the strenuous exertion of her friends would have been employed, every interest improved, and every party invited, to fortify the act of settlement. Nor is it in the least degree probable, considering the antipathy of the English nation to France, that they would have consented to receive a prince, upon the stipulation of the French king with William,

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in direct contradiction to the avowed principles of the latter, and to the act of settlement promoted by his influence. The consent of Lewis to acknowledge the son of James, as king of Britain, four years afterwards, upon the demise of his father, roused the indignation of the people in England; and constrained a tory ministry, in opposition to their political predilections, to enter into the second grand alliance.

The testimony of a respectable contemporary author adds great weight to these conjectures, concerning the origin of the story, relative to the succession of the son of the abdicated king. In the Memoirs of the Duke of Berwick, we meet with the following remarkable passage, directly applicable to the fact under controversy: "A little while after the peace of Ryswick, his most christian majesty had proposed to the king of England, that, if he would suffer the prince of Orange to enjoy the kingdom in quiet, he would ensure the possession of it, after his death, to the prince of Wales. The queen, who was present at the conversation, would not allow her husband time to answer; and declared that she would rather see her son dead, than in possession of the crown to the prejudice of his father; upon which his most christian majesty changed the conversation. It is probable, that what he had said, had been previously concerted with the prince of Orange; and it was, if I may venture to say it, a great imprudence to refuse such an offer."

Conjecture founded upon the authority of the duke of Berwick.

The attentive reader need not be directed to observe, that the account given by the duke of

"Memoirs of the Duke of Berwick, vol. i. p. 157.

Berwick,

Berwick, in these sentences, concerning the proposed succession to the crown of England, differs, in very material circumstances, from that which is published by Mr. Macpherson, in the Continuation of the Life of James. The latter supposes this proposal to have entered into the negotiations for peace at Ryswick. The former states it to have been posterior to that event. If it had been first started at the negotiations for peace, it is not probable that the duke of Berwick could have been ignorant of it. A more striking discrepancy still occurs between the accounts of these two authors. The duke of Berwick ascribes the refusal of this offer made by Lewis, not to James himself, but to his queen. James assumes the sole merit of the refusal to himself. The duke of Berwick indeed adds: It is probable, "that what he said had been previously concerted with the prince of Orange."<sup>11</sup> But this is merely a matter of conjecture. If it had been known to him as a fact, he would have mentioned it as such, and, probably, would not have missed so inviting an opportunity of blackening the character of a person, whom he considered as the usurper of his father's throne. As the duke of Berwick was a man of veracity and honour, and as there is no reason for suspecting the authenticity of his memoirs, it is probable that his story is grounded upon fact; and it is just what might naturally have been expected, from the posture of political circumstances, and the temper and views of the French king, already described. Conscious, of having so deeply wounded the feelings of James, to soothe his anxiety and restore his hopes, Lewis had recourse to this expedient; and, in order to give the colour of sincerity

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<sup>11</sup> *Memoirs of the Duke of Berwick*, p. 158.

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The sub-  
ject of the  
conferen-  
ces be-  
tween  
Portland  
and Bouf-  
flers.

Informa-  
tion of  
Burnet.

rity to his friendship, he might' boast of having mentioned the subject to William, and of having obtained his consent. Let the impartial inquirer, after due attention to these arguments and observations, decide, Whether the authority of the duke of Berwick, thus fairly construed, ought not, in the scale of evidence, to overbalance the tale of an anonymous author, contradicted by the face of external circumstances, and by all the motives, which can be imagined to have operated upon the parties concerned in this transaction?

So much in support of the negative conclusion, that the conferences between the earl of Portland and the marshal Boufflers did not relate to the succession of the prince of Wales; and the arguments for this conclusion would have maintained their force unbroken and entire, upon the supposition, that the subject of these conferences had remained under the shades of impenetrable darkness. But if we attain positive evidence to ascertain the subjects of them, and if they were of a nature so delicate and interesting, as to justify the anxiety and privacy with which they were conducted, we are warranted, with greater assurance, to contradict the suspicions and reproaches which they have excited, to the disadvantage of a character, so eminently entitled to the respect and gratitude of every British subject.

Bishop Burnet informs us, that the subject of these conferences was concerning king James and his queen; and this information he gives, not upon private opinion or conjecture, but upon the authority of the earl of Portland, who managed them upon the part of the king of England. " That lord told me himself, that the subject of " these conferences was concerning king James. " The king desired to know how the king of " France intended to dispose of him, and how he " could

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could own him, and yet support the other. The king of France would not renounce the protecting him by any article of treaty; but it was agreed between them, that the king of France should give him no assistance, nor give the king any disturbance upon his account; and that he should retire from the court of France, either to Avignon or to Italy. On the other hand, his queen should have fifty thousand pounds a year, which was her jointure settled after his death; and that it should now be paid her, he being reckoned as dead to the nation; and in this the king very readily acquiesced. These meetings made the treaty go on with greater dispatch, this tender point being once settled <sup>14</sup>.

Whatever exceptions may be made to the testimony of Burnet in particular instances, yet few persons of candour, who have taken pains to investigate his character, will be inclined to deny, that he revered the authority of conscience; and therefore, sincerely declared what he himself, often with much prejudice, believed to be the truth. From the celerity with which he wrote, he is inaccurate as to dates, and often confused, from his lumping analogous events and measures, which were separated by a long interval of time. Natural keenness of temper, sharpened by the zeal of a partisan, rendered him credulous of whatever information redounded to the honour of his own party, or to the discredit and reproach of his political antagonists. A restless curiosity made him busy in prying into reclusive scenes, and picking up malignant and frivolous anecdotes, degrading to the dignity of history. An uncommon share of vanity rendered him eager to em-

<sup>14</sup> Burnet, 1697.

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brace every opportunity of advancing his own consequence, by communicating to the world rare and curious intelligence, and to make the most of what he had gathered from channels of information, to which few had access. From these infirmities, he was liable to believe precipitately, and to judge uncharitably. He may be sometimes blind to the hypocrisy of his friends, and sometimes indulge in the tone of encomiastic declamation; and more frequently he may degenerate into the mean scurrility and virulence of libel. With such impressions of his character, impartial inquirers after truth will be scrupulously cautious in attending to the evidence of the facts he brings forward; and they will often find reason to withhold their assent from the conclusions he draws from them, and from the opinions he delivers upon his own judgment, especially with respect to subjects relating to the character and the measures of parties. But, after all these deductions, no inconsiderable degree of respect will be found, upon reasonable grounds, due to the information of Burnet. Of his sincerity, or intended veracity, we have no reason to doubt. If he mentions any fact, which he either saw or heard from others, we may believe that he either saw or heard it. The earl of Portland was the most competent person to inform him concerning the subject of the secret conferences carried on at Hall, between Boufflers and himself. That nobleman, who could have no motive to deceive Burnet, told him, that these conferences related to king James and the jointure of his queen.

Account  
given by  
the mar-  
quis de

But the evidence of the subject of these conferences does not rest upon the testimony of Burnet, or upon information flowing only from one of the parties concerned. The marquis de

Torcy



Torcy mentions these conferences, in order to confute a vulgar opinion, that the regulation of the Spanish succession made any part of the subject of them; and he affirms, that they related to three other articles: his account of the first of which precisely coincides with the information which Burnet received from the earl of Portland. CHAP. XVII.  
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“By the first,” “says he, “William insisted that his enemies should receive no assistance from France. In particular, he mentioned his father-in-law, king James. For the farther security of his master, lord Portland demanded, that this unfortunate prince should be obliged to remove from France, and to follow his unpropitious star to Rome, or whatever other part of the world he chose.” Torcy concerning the conferences between Portland and Boufflers.

The authority of Burnet, with respect to another subject of these secret conferences, namely, Inferences from the memoirs and

“The other two articles, which De Torcy represents to have been insisted upon by Boufflers, were, that a general act of grace should be granted to the English who had followed the fortunes of king James, and that they should be restored to the possession of their estates. And that none of the subjects of the French king should be allowed to enter, or to settle in, the city of Orange; because his majesty foresaw that the new converts, still attached to their former errors, would flock from the provinces bordering upon Orange, and, if leave was given them, would settle there. Torcy, vol. i. p. 25.” to instructions sent to the plenipotentiaries at the Ryswick.

Though Burnet does not refer to these articles mentioned by De Torcy; and, on the other hand, though De Torcy does not refer to the queen's jointure, as making any part of the conferences, yet it does not follow that they were not actually mentioned and treated of. The earl of Portland probably communicated to Burnet, and Burnet to the public, what related to the interest of England. Torcy, who had his information from Boufflers, mentioned only what more immediately related to France. While therefore these authors mutually corroborate one another in what relates to James, so their silence or ignorance does not impeach the truth of the other articles mentioned, severally, by each of them.

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what related to the queen's jointure, is also corroborated by the tenour of different memorials and instructions, given to the plenipotentiaries when treating about the peace of Ryswick. From the perusal of these, it appears, that the jointure of king James's queen was particularly recommended to the attention of the agents at France; but still, that there were circumstances of difficulty, which retarded the progress of that part of the business; and which required a more minute and private discussion, than what could be accomplished in public conferences, and in the presence of the ambassadors, met to negotiate for peace. Obvious circumstances, relative to the situation of James, as well as the expressions and hints contained in these memorials, enable us to form strong conjectures, concerning the causes of separating the affair of the queen's jointure from the other articles, specified at the general meeting of the ambassadors, and published to the world. Whatever the former imprudence of James may have been, yet his situation, at the commencement of the negotiations for peace, was so humiliating and distressful, as to engage the compassion of all parties concerned in it. In the strain and expression of his letters and instructions to his friends, we see a mind agitated and distracted by the different emotions of pride, resentment, and interest. Mortified and angry, because his commissioners were excluded from all access to the peace, and that the restoration of his dignity was not made a principal and indispensable condition of reconciliation between England and France, he could almost have found in his heart to have spurned at the offer of the French king's mediation, to promote what were, comparatively, mean and inferior concerns.

to himself and his family. The necessity of his circumstances, or rather a strong attachment to money, and the habit of improving every source of emolument, controlled the hasty resolutions of passion, and made him anxious to secure the regular payment of the queen's jointure, upon such a plan as might reconcile his honour and interest, by sparing him the mortification of acknowledging the lawfulness of the power which conferred it. If the queen was required to grant discharges for her jointure, they must be drawn up in such a form, as to amount to an acknowledgment of an usurped government. If trustees, vested by the queen with the possession of her estates, should decline or delay to transfer her property, she could not resort to the courts of law, which implied the same abhorred concession. There seemed no other expedient, but that the honour of the present king of England should be pledged. A matter of such nice and delicate consequence, evidently, required the most private discussion, and the management of prudent and confidential agents. As these considerations sufficiently establish the propriety of referring this subject to a private and detached negotiation, so the previous memorials of James, compared with the letters of Middleton, de Torcy, and Lilliercore, the mediator of the peace, abundantly confirm that it was actually the case <sup>36</sup>.

<sup>36</sup> The following extracts from the instructions and memorials referred to in the text are produced, in support of the observations it contains. In the instructions to Mr. Dem, the agent of James at the Hague, during the negotiations for peace, 18th July 1697, are the following words: "The affairs of which you are to treat with monsieur de Croissy, or the other plenipotentiaries of France, are, 1st, Her majesty's appanage; for the doing of which, you are referred to the  
" paper

CHAP. "paper concerning it, &c. In case the prince of Orange's  
 XVII. "agents should deny or question any matters of fact, as they  
 1697. "are set down in that paper, which so plainly prove the queen's  
 "right, even according to their own present law, you must  
 "aver, that both your patent, under the broad seal, and the  
 "act of parliament, which settle and confirm that estate upon  
 "the queen, during her life, are upon record in the registers  
 "of the crown office of the parliament, to which we appeal;  
 "and that the queens of England, independently of the king,  
 "have a right to their estates so settled upon them, the plenipo-  
 "tentiaries of the prince of Orange themselves, cannot be so  
 "ignorant or so wilful, as to deny." Macpherson's State  
 Papers, 1697.

The earl of Middleton, James's secretary, in a letter to De Torcy, 5th October 1697, expresses the embarrassment that rose upon the affair of the queen's jointure, either from the discharges being drawn up in such a form, "as she could not sign them, or, in the alternative of putting persons in possession of her estate, and tenants refusing to pay, the impossibility of her having recourse to courts of law whose authority she could not acknowledge." After which Middleton adds, "So that there is no expedient, but that the prince of Orange should oblige himself, by a secret article, to pay the sum mentioned to his most Christian majesty, and his successors, during the life of the queen. If the prince of Orange acts sincerely, he will accept this proposal; if it is rejected, the affair, in all likelihood, will be of no consequence; and yet there is no doubt but his most Christian majesty is very careful to put on a solid foundation a thing so honourable to himself, and necessary to the queen of England." Ibidem.

A memorial and letter, October 7th, sent by Lewis to his plenipotentiaries at the Hague, refer to the same subject; and in the letter he mentions the difficulties the queen of England had reason to expect; if she should be obliged to receive, in her own name, the revenues she had a right to enjoy, in consequence of English acts of parliament. Ibidem.

The attention paid to this subject appears, from an extract of the Protocole, of the mediation held at Ryswick, 20th September 1697, published by the same author.

Monsieur Lillieroot, ambassador for the mediator, in a letter to monsieur de Harley, one of the French plenipotentiaries, dated 23d November 1697, refers to a private conversation he had with king William about the queen's jointure; and says, that he, king William, is willing to stand faithfully by what he has promised.

It is remarkable, that the Continuation of the Life of James, in the passage immediately following that which Mr Macpherson has cited, as the evidence of William's consent to the suc-  
 cession

tion of the son of James, mentions the removal of James CHAP.  
 om France, and the settlement of the queen's jointure, as XVII.  
 iving been the subject of the secret conferences between  
 oufflers and Portland; and that it was understood by Portland, 1697.  
 at the latter was suspended upon the former. Life of James,  
 697.

Sir John Dalrymple says, that he has seen an original letter  
 om lord Portland to king William, after the peace of Rys-  
 wick, in which he informs him, that, according to his orders,  
 e offered a pension of 50,000l. per annum to king James.  
 Dalrymple's Appendix, 245, 246. This probably refers to the  
 queen's jointure, as it was more delicate to confer it in her  
 name, and under the form of right.

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*Observations with respect to the political Sentiments and Temper of the People in Scotland after the Revolution.—Session of Parliament.—Adjournment.—Conspiracy against Government.—A Meeting of Parliament.—The Lords of the Articles.—The King's Supremacy,—and the Law of Patronage abolished.—Character of the Presbyterian Clergy—Their Severity against the Episcopal, —burst to the Reputation of the King.—Change of Ministry.—Dangerous State of the Government in Scotland.—Massacre of Glenco—Session of Parliament.—Its Compliance with the Court—Discontents in Scotland.—Another Session of Parliament.—Act for extending the Trade to Scotland.—Hard Treatment—and Misfortunes of the Scotch Darien Company.—Misery and Disaffection of the Scots.—State of Ireland.—Articles of Limerick—secured by the Irish Protestants and Whigs.—Considerations tending to vindicate the Propriety and Justice of them.—Abuses committed by his Majesty's Servants in the Government of Ireland.—Peaceable State of Ireland—No bold Efforts made by the Irish to assert their Independence.—Reasons for this.*

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Observations with respect to the political sentiments and

I HAVE, in a preceding chapter, mentioned various causes, which rendered the political state of Scotland more fluctuating and irregular than that of England; and from which it might naturally have been inferred, that the revolution there would not remain so firm and secure as it did in the latter kingdom. While the revolution

in England derived support from the common interests and obligations of all the parties which had co-operated in accomplishing it; in Scotland it was chiefly, if not solely, the work of the presbyterians, who were more anxious to establish their own power and religion, than to extend and confirm the liberties of the nation.

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temper of  
of the  
people in  
Scotland  
after the  
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tion.

A change of government, openly withstood by some, and secretly condemned by others, was likely to be supported with vigour and perseverance, by the party which effected it, only so long and so far as its views of a separate interest were gratified.

The people in Scotland having been only accessories to the revolution, which was planned and completed by the English, were not bound, by the same ties of honour and fidelity, to defend and maintain it. They neither had an equal claim to merit, nor were they exposed to the same degree of censure, with the neighbouring kingdom, in whatever light it might be afterwards considered, according to the success of William, or of James. Many persons of rank and fortune in England, who had been the first movers in the opposition to James, were so deeply criminal in his sight, that their personal safety was involved with that of the new government. Should it fall, they must unavoidably be crushed under its ruins. There can be no doubt that this consideration prevailed with individuals of great influence, to concur heartily in such measures as were necessary to prevent the return of the banished king, though they were often fretted by disappointment, and offended at the conduct of William. The revolutionists in Scotland might plead, in extenuation of their revolt, should James resume the crown, that they were not the authors, but the followers of a bad example;

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and that fear and necessity had compelled them, contrary to their rooted inclinations, to depart from their allegiance and duty. The applications of the late king to his subjects in Scotland, were adapted to this strain of argument. They were reminded of his ancient, hereditary claim to the loyalty and affection of the Scottish nation. Great pains were taken to awaken the resentment of individuals, on account of the ill returns they had met with, for their rash services to the prince of Orange; and to sobth them into repentance, by the hope of pardon and reward.

There were many Scotchmen, who had contracted a warm affection to the prince for his virtues, and the protection which he had vouchsafed to them, when they were driven into exile by the persecution of government. His confidence in them, and the preference with which he distinguished them, in the distribution of offices, tended to weaken the attachment of some great men, who claimed the merit of raising him to the throne, by their influence and votes in the convention; and rendered them easily susceptible of that disaffection, which was artfully infused into their minds by the adherents of James<sup>1</sup>. In this number were the descendants of noble and wealthy proprietors, whose estates had been forfeited in times of violence, and transferred, by the gift of the crown, to the representatives of other distinguished families, who

<sup>1</sup> Those, who had appeared at an early period for William, who had been chiefly instrumental in raising the rabble at Edinburgh, and who had shewn their zeal for him in the convention, thought they had better pretensions than those who came over with him; the latter having only acted from necessity; being for the most part forfeited persons. Balcarras' Account of the Affairs of Scotland.



had supported its interest. In some instances, such degradation of fortune and honour might be imputed to the imprudence, or the crimes, of the sufferers themselves; and, in others, it had proceeded from the resentment of former princes against individuals, who had bravely and honourably resisted their usurpations. The restoration of these estates was expected by the descendants of the ancient proprietors; and dreaded by the present possessors. To determine, in what cases, these forfeitures were legal or not, and where the line of distinction ought to be drawn, so as neither, upon the one hand, to ratify oppression, nor, upon the other, to establish a precedent for slighting the authority of law, were matters of delicate discussion; and required the most cautious deliberation in the new government. But this very deliberation, however necessary and prudent, was held forth as a ground of offence; and evidently discouraged the ardour and perseverance of the king's first friends.

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Some of the conditions, upon which William had received the crown of Scotland, were attended with difficulties which he did not foresee; and the commendable anxiety which he discovered, as well as the prudent measures, which he pursued to overcome them, were displeasing to many who had attached themselves to his interest<sup>2</sup>. The great service the English bishops had performed, by preparing the nation for his interference, raised expectations, impossible for him to gratify, without departing from those principles of toleration, which did honour both to his under-

<sup>2</sup> Balcarras' Account of the Affairs of Scotland.

<sup>3</sup> Macpherson's State Papers, 1690.

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standing and his heart. They considered him a bound by gratitude to protect the church of England, not only by excluding the Roman catholics, but by depressing the protestant dissenters. His engagements to abolish prelacy in Scotland overturned these expectations, and were considered as irreconcilable to the very end of his expedition to England. From a strain of reasoning the most illiberal, though specious, it was inferred, that no faith could be placed in the man who had entered into contrary obligations, of supporting certain forms of religion in one part of the island, and of abolishing them in another. Aware of these censures, William expressed great solicitude for establishing uniformity of religious worship and government, in both kingdoms\*. Independently of respect for the prejudices of so powerful a body as the English hierarchy, he perceived unsurmountable objections to the demands of the Scotch presbyterians. With the establishment of their religion they had connected the idea of such extensive and independent jurisdiction, as encroached deeply upon the prerogatives of the monarchy. Their clergy, narrow and intolerant, were contriving the severest measures against their brethren of the episcopal order; and were impatient to execute them under the sanction of lawful authority. Firm and true to his principles, William was content to forego their good opinion and confidence, rather than to approach to the borders of persecution. At the same time it may be observed, that the clause contained in the claim of rights, relative to religion, and accepted by the king as the condition of his reigning in Scotland, was so ambiguously expressed, as to vindicate him from any charge of inconsistency or duplicity; because he deliberated

\* Neil's Hist. of the Puritans, vol. ii. p. 306.

about yielding to those demands which the presbyterians grounded upon it. Admitting that prelacy, as formerly established, had been a grievance, did it follow that the supremacy of the prince was to be abrogated, or his influence excluded, in any future modification of ecclesiastical government? Did it oblige him to deprive all the episcopal clergy, without exception, of the emoluments, which they had enjoyed under a legal establishment? The backwardness of William in complying with the wishes of the presbyterians, from whatever motives it proceeded, occasioned a coldness in their affections towards him; and suggested, to the abdicated king, the policy of throwing out baits, for alluring the aid of those very men, who had been chiefly instrumental in degrading him. Corresponding with these observations are the political events, which immediately followed the new settlement of the government in Scotland; nor was the authority of William more endangered by the open revolt of Dundee, and his adherents, than it was by the emulation, the treachery, and the mutinous spirit, of some of those, who were numbered among his friends.

The duke of Hamilton, though preferred to the high office of being the king's commissioner, was still dissatisfied, because a greater share of subordinate places was not disposed of among his partisans, and according to his recommendation. Some, who had taken the most active part in the first steps of the revolution, became peevish and intractable; while others harboured machinations for overturning it. The superior confidence, which William placed in Dalrymple of Stair, proved offensive to many of the whigs; and was supposed to betray him into unpopular notions of govern-

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government'. Hence, in the first session of the Scottish parliament after the revolution, the friends of the court were over-ruled; and a series of measures pursued vexatious and alarming to the king. Together with a list of grievances, which he was willing and prepared to redress, the parliament petitioned for the abolition of forms, and the repeal of statutes, which had been considered as the strongest fences of the monarchy.

The influence of the court, in the decision of all political questions, had advanced to such an enormous pitch, through the channel of the lords of the articles, as was incompatible with the ancient independence of the parliament. The king would cheerfully have agreed to an abridgment of the power of this committee, so far as to remove every complaint of its restraining the members at large, either with respect to the choice of business, or the freedom of debate; but, as the abolition of it had not been inserted in the enumeration of grievances, he hesitated about parting, altogether, with such a powerful instrument of authority<sup>5</sup>.

To

<sup>5</sup> Ralph, vol. ii. p. 105.

<sup>6</sup> "The lords of the articles were a committee of each estate chosen by themselves, to prepare matters, and to determine upon the articles proposed by the king; but the estates were at liberty to recede from those proposals and their determination upon them, as they themselves thought fit; which fully proves that the estates had a negative upon the king. Thus, in the preface to the acts of James the First, it is said, *Electæ fuerunt certæ personæ ad articulos datos per dominum regem determinandos, data cæteris licentia recedendi*. Members of parliament had power to propose what was thought meet and necessary for the commonwealth. Acts James I., chap. cxlii. in the old acts; cii. in the new.

"The lords of the articles were never mentioned, till the time of David Bruce; nor was there ever any statute enjoining them, or to determine their power and manner of procedure."

To his majesty's consent to the condemnation of CHAP. prelacy, the presbyterians thought themselves warranted to annex the claim of a jurisdiction separated from, and independent on, the civil government. A vote passed for abrogating the act, one thousand six hundred and sixty-nine, asserting his majesty's supremacy in causes ecclesiastical, as dangerous to the protestant religion, and inconsistent with the establishment of church government. A dispute, more immediately affecting the internal order and peace of the kingdom, made a breach between the court and the parliament'. William, after his acceptance of the crown, had given commissions for filling up the vacancies among the lords of the session, by virtue of his prerogative, and upon the supposition that a quorum of their number still existed',

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"procedure. There were likewise several parliaments, after the  
 "time of David Bruce, which had none of these lords of the  
 "articles; and, when they were in use, they were chosen by  
 "the advice and consent of the whole parliament, till the year  
 "1617, when the bishops took upon them to remove out of  
 "plain parliament to the inner house, and chose some of the  
 "noblemen, and the noblemen them; and they two chose the  
 "commissioners of the articles of shires and boroughs, as may  
 "be seen in the representation of the kingdom of Scotland by  
 "the estates *anno* 1640, p. 21. From all which it would seem,  
 "that the articles delivered by the kings were instead of the  
 "speeches now in use by themselves, their commissioners or  
 "chancellors, which proposed what was thought fit to be done  
 "on the part of the crown, but did not hinder the parliament  
 "from proposing what they thought fit for the benefit of the  
 "country." Historical Account of the ancient Rights and  
 "Power of the Parliament of Scotland, printed 1703, p. 27.  
 For a particular account of the variations which afterwards  
 happened in this committee, and the enlargement of its influence,  
 to a degree inconsistent with the freedom and privileges  
 of parliament, see Robertson's History, vol. i. p. 69.

<sup>7</sup> Ralph, vol. ii p. 103.

<sup>8</sup> The convention admitted, that the nomination of the judges, in the case of any particular vacancy, belonged to the crown;

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Adjourn-  
ment.

The convention however insisted, that the court of session was annihilated, and that the new judges ought to be tried, and admitted or rejected, by them; and they even announced threats against the judges; who had accepted the king's commissions, if they should proceed to the discharge of their functions. As these demands exceeded the instructions, which the commissioner had received from the king, he adjourned this session to the eighth of October<sup>9</sup>.

The discontinuance of parliament exasperated the minds of every order of men. A remonstrance, subscribed by a majority of the convention, was presented to the king, containing a repetition of the grievances, which had been brought forward by the parliament, and complaining of the evil counsellors who directed his measures<sup>10</sup>. The king's withholding his assent to their petition was represented as a breach of the contract, be-

crown; but contended, that, upon the event of a total vacancy, or the dissolution of the court, the renewal of it belonged entirely to the States, agreeably to its original institution, and to former precedents, in the year 1641 and 1660.

That there was now a total vacancy or dissolution of the court of session, the convention supported, principally, by this argument; that, as the crown had been found vacant, all commissions flowing from it, by fair deduction, were nullified.

It was evident, that this argument, if followed out, would have deprived the king of his most valuable prerogatives. The new and extraordinary circumstances, which happened at the revolution, might well justify a deviation from rules, properly and easily observed in times of peace and order. The king's right to name the judges in England was not questioned; and the discretion, with which he had exercised it, gained him merited applause. Not only his honour, but his future interest and safety, depended upon his making a like choice in Scotland.

<sup>9</sup> Ralph, vol. ii. p. 105.

<sup>10</sup> Ibid.

tween him and the States, which founded his right to the crown of Scotland. CHAP. XVIII.

A correspondence was opened between the late king and some of those persons, who had complained of the oppression of his government, and promoted the revolution with the greatest zeal. 1689.

The conditions of his restoration were specified, and the measures, by which it was to be effected, were concerted and agreed upon. He engaged, to establish the presbyterian form of government, to pardon past offences, and even promised to confer honours upon individuals who had taken part against him. A coalition of parties was to be formed in defiance of the laws of honour and religion. That the apostates from the present government, and the friends of James, might co-operate, the latter were to depart from their religious scruples, by taking the oaths to king William, and endeavouring to secure seats in parliament. After being made acquainted with the conditions of this conspiracy, we are the less surprised, when we find that it was promoted by sir James Montgomery, formerly distinguished by his zeal for the revolution. He was disappointed of the office of secretary of state, and offended at the king for his reluctance to establish presbytery, which was the idol of his own heart.

The great discontent of the people of Scotland, and the necessity of obtaining a supply for the army, constrained the king, notwithstanding these ominous circumstances, to allow the parliament, after several adjournments, to meet for the dispatch of business. Every thing at the opening A meeting of parliament  
15th April.

<sup>11</sup> Memorial concerning Scotland, 18th April 1690. Macpherson's State Papers.

<sup>12</sup> Ibid.

<sup>13</sup> Burnet, 1689.

CHAP.  
XVIII.

1690.

The lords  
of the arti-  
cles, the  
king's su-  
premacy,  
the law of  
patronage  
abolished.

of this session appeared unfavourable to the court. The duke of Hamilton declined the honour of representing his majesty's person. Many of the nobility and gentry, suspected of disaffection, took their seats in parliament. It was evident, that the utmost latitude of concession was necessary to ensure the peace and stability of government. The lords of the articles were abolished. A compliance with the desire of the nation, more distressful to the king, was extorted: presbytery was established in all the plenitude of its claims: the king's supremacy was given up; and the law of patronage was repealed<sup>14</sup>. The last of these concessions gained the people entirely to the side of government, and the majority of parliament voted in conformity to the wishes of the court. This sudden change in the temper of the nation, and the defeat and death of Dundee, established the revolution in Scotland, and gave the utmost alarm to all who had entered into conspiracies against it. Many persons, who had fallen under suspicion, sought to make their peace by frankness in discovering their plans and accomplices.

Character  
of the  
presbyte-  
rian cler-  
gy.

But, notwithstanding these immediate consequences of lord Melvill's concessions, they were productive, in a short time, of other effects, which gave great uneasiness to William, and disturbed the tranquillity of his government in both kingdoms. The general temper of the presbyterians, as well as the education and character of their clergy, arising from the peculiar circumstances of the times, rendered them incapable of using, with discretion and generosity, the superiority in which they were now placed. The extreme severities, they had suffered under the dominion of the

<sup>14</sup> See Appendix I. at the end of this Chapter.



hierarchy, were fresh upon their minds, and too much disposed them to retaliation; not only from the mean gratification of resentment, but from a persuasion, that their own pre-eminence and safety were precarious, while any measure of indulgence was exercised towards their antagonists. The generality of their clergy were not possessed of sentiments more refined and enlarged than those of their people. Excluded, after the restoration, from enjoying the legal provision of the church, they subsisted entirely by the voluntary contributions of their congregations. Their tempers were soured by dependence, and exasperated by persecution. Their acquaintance with human nature was contracted; their sentiments and demeanour were accommodated to the taste and prejudices of the lower ranks, with whom they were chiefly conversant. Their ingenuity and their studies were principally directed to the defence of those tenets, which distinguished their sect. Hence controversies were too much substituted in the room of the simple and instructive doctrines of the gospel. The divine authority of presbytery, the heresies of episcopacy described as little removed from the superstition and idolatry of Rome, were the common topics of their public discourses, upon which themselves and their hearers were often wrought up to a spirit of violence, hardly consistent with respect to the civil government<sup>15</sup>.

<sup>15</sup> It is asserted, that several of the Cameronians, or Cargillites, entered into the Church after the revolution. Their distinguished tenet was, that Charles the second had forfeited his right to the crown by his renunciation of the covenant; and their arguments upon this subject were so far stretched as to imply, that swearing, or taking the covenant, was necessary to confer a right to the crown. Some of the Cameronian leaders and preachers had early maintained a correspondence with William, and were now disposed to officiate in the establishment under his auspices. Their sufferings entitled them to respect and gratitude.

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XVIII.

1690.

By the early regulations of the presbyterian church in Scotland, a certain proficiency in literature and knowledge was required as an indispensable qualification for the ministerial office <sup>16</sup>. Unfortunately, however, the many vacancies, occasioned by the sudden expulsion of the episcopal clergy, required a periodical relaxation of that strict attention to literary acquisitions, which are, at all times, essential to the dignity of the clerical character, and the credit of religion. Of the old presbyterian ministers, who had been deprived of their livings at the restoration, threescore only remained to resume their charges; and some of them were disabled, by the infirmities of age, from attending the church judicatories at a period, which required all the wisdom and coolness of experience and of years. Young men, distinguished by zeal more than by abilities and knowledge, pressed forward into the pastoral office; and not only over-ruled the opinions of their prudent and moderate brethren, but became the tools of faction, and kept the minds of their people in a continual state of jealousy and ferment <sup>17</sup>.

Their severity  
against the  
adherents  
to episcopacy.

To retain entire and unretracted the privileges which they had obtained, and to shut the door for ever against the adherents to episcopacy, was the principal object, to which presbyterians, vested either with temporal or ecclesiastical authority, directed their attention immediately after the revolution. The most rigorous measures were pursued by the privy council against the episcopal clergy, who still continued to officiate in their

<sup>16</sup> Book of Common Order, article iii. First Book of Discipline, chap. iv.

<sup>17</sup> Ralph, vol. ii. Salmon's Modern History, vol. xxiv. 1691-2. Burnet, 1689.

charges.

charges. The people were encouraged by their ministers to inform against those, who had disobeyed the orders of the convention by neglecting to read the proclamation, which declared the prince and princess of Orange king and queen; or by omitting to pray for them in the performance of public worship; or neglecting to observe the public fasts. Upon these informations, and charges of a more frivolous nature, many were deprived of their livings, and debarred from any future opportunity of conforming to the new establishment ' '. CHAP. XVIII.  
1690.

Though the violence of these measures was repugnant to the principles and dispositions of William, yet it was all laid to his account, and, by conveying an unfavourable impression of his government in Scotland, contributed to thwart his liberal designs towards the dissenters, which were at that time agitated in the English parliament ' '. Hurtful to the reputation of the king. How hard his situation! every favour to presbyterians in Scotland, and to dissenters in England, awakened the jealousy of the English church; and every indulgence to the adherents to episcopacy in Scotland, that of the presbyterians there; so that he lost the affections of both establishments. Attending to these facts, we are deeply impressed with a sense of the inherent and unchangeable malignancy of bigotry, wherever it is found, and whatever the cause may be to which it is attached. It levels all distinction of principles and characters;

<sup>18</sup> The Case of the afflicted Clergy. Ralph, vol. ii. p. 274. &c. Letter from a Clergyman. Salmon, vol. xxiv. p. 87.

<sup>19</sup> Burnet, 1689-90. Querela temporum. Somers' Col. vol. viii. There were even some, who professed to be seriously alarmed lest the presbyterians, bent upon the extirpation of episcopacy, should again intrude into England to reform it. Cunningham's History, vol. i. p. 106.

CHAP. XVIII. it is equally pernicious and detestable in the philosopher and in the priest, in the protestant and in the papist, in the episcopalian and in the presbyterian. It is the most pestilential of all heresies, because it destroys that charity, which is the glorious characteristic of a christian. When impelled by the ardent spirit of reformation, let us beware of bigotry, the bane and disgrace of every virtue with which it is associated.

1690.

Change of ministry. The king endeavoured, by a change of his ministers, to procure a more lenient treatment of the episcopal clergy. Lord Melvill, who had offended him by stretching his power to gratify the presbyterian party, was removed from being secretary of state<sup>20</sup>. The earl of Tweeddale was made chancellor; the earl of Lothian commissioner to the general assembly. To this supreme judicatory of the presbyterian church, the king recommended such a temper and such resolutions, as might tend to unite the affections of his subjects; and, particularly for that purpose, to admit into parochial charges such of the episcopal clergy as were willing to comply with its government<sup>21</sup>. The imprudence of the episcopalians themselves, not less than the narrow spirit of the presbyterians, frustrated every scheme for peace and accommodation, and disappointed the fondest wishes of the prince. Elated by his interposition, the former

<sup>20</sup> Doctor M'Cormick says, "That, by an authentic paper in the earl of Leven's possession, it appears, that lord Melvill was instructed to pass an act, abolishing patronages, provided the parliament desired it." *Life of Carttars, p. 51.* As Doctor M'Cormick acknowledges that this paper is of a date prior to the remarks sent down by William upon the act for settling church government in Scotland, in which (article vi. *ibid.* p. 45.) he desires, that the right of patronage may be maintained, it is obvious, that lord Melvill went beyond the king's desire, or exceeded his power, as is observed by Burnet, 1690.

<sup>21</sup> Burnet, 1692.

boasted of his secret favour, and of their approaching pre-eminence, while the latter, jealous of any motion or desire of kindness towards their antagonists, became more eager in the pursuit of measures calculated to confirm their depression, and to widen their separation from the establishment. The change, which the king had made in the ministry, now appeared to be an error in policy. The presbyterians might, perhaps, have been softened into compliance and lenity by the address of their own leaders, but, alarmed, upon any share of power being withdrawn from them, they were immovable, either by the promises or threats of ministers, of whom they were suspicious. They contended, that the inherent prerogative of their constitution, ratified by the last session of parliament, could not be restrained by the civil authority. When the commissioner, agreeably to his instructions, dissolved the general assembly in his *majesty's name*, they adjourned themselves in *the name of Christ, as the king and head of the church* <sup>22</sup>.

CHAP.  
XVIII.

1692.

The interest of William, at the period to which these observations refer, was in the most critical situation, and unfortunately led him to yield too implicitly to the advice of his Scottish ministers, and to adopt measures, which terminated in effects equally criminal and impolitic. The French king was engaged in the most diligent preparations for invading England, and restoring James to the

Dangerous state of the government in Scotland.

<sup>22</sup> It has been observed in a former note, that this independent jurisdiction, derived from the authority of Christ, was the favourite tenet of the presbyterians, and what they had obstinately contended for in the reign of James the first. The form of this independence is still retained, and, after his majesty's commissioner dissolves the assembly in his name, the moderator, or president, dissolves it in the *name of the Lord Jesus Christ, as the only king, and head of the church*.

possession.

CHAP.  
XVIII.

1692.

possession of the crown. The headstrong, peevish disposition of the party intrusted with the management of affairs in Scotland, ever ready to withdraw their allegiance from William upon the slightest offence, not less than the number of those, who waited an opportunity to make an insurrection, were strongly urgent with Lewis for sending a detachment of his fleet to the northern coasts, while James landed in England with a larger body of the French troops<sup>23</sup>. Whatever might be the success of that expedition, yet the distance and natural fortifications of the mountainous parts of Scotland, as well as the bravery and disaffection of the inhabitants, opened to James almost the certain prospect, of recovering a part of his ancient dominions, and of laying the foundation of more extensive success. To prevent this danger, William cheerfully listened to a plan for conciliating the Highland clans to his government, by the distribution of money among their chiefs. This having failed of success, it was next proposed to work upon their fears, by holding out an example of terror, which was also authorised by the king, and carried into execution, with such treacherous and atrocious circumstances, as filled Scotland with horror, and gave a deep wound to his reputation, both at home and abroad.

August  
1691.

A proclamation was set forth, offering a free pardon to such of the highlanders as had opposed his government, provided they came in and took the oaths, before the first of January one thousand six hundred and ninety-two; but containing a positive threatening of military execution against those who did not comply. The proclamation answered the desired effect; all the Highland

<sup>23</sup> Ralph, vol. ii. p. 427.

chieftains made their submission to government within the day prescribed, except Macdonald of Glenco, who, by a train of fatal accidents, and, only by the most severe construction; became chargeable with the guilt, and liable to the penalties, of a recusant <sup>24</sup>. Though his delinquency, if deserving of that name, was attended with every circumstance of extenuation, yet it was resented with severity which exceeded the threats of the proclamation. A party of Argyle's regiment was sent from Fort William into the valley of Glenco. The fearful apprehensions, excited by the news of their approach, were removed by the most solemn assurances from the officers, that they came upon terms of peace; and to confirm these, they produced written orders, subscribed by their commander, colonel Hill, to quarter in the valley. A more base, ungrateful species of treachery lulled the suspicion, and fixed the fatal doom, of the men of Glenco. The officers accepted the proffered hospitality of their chief, daily frequented his table, and, with a gay and undesigning coun-

CHAP.  
XVIII.  
1689.  
Massacre  
at Glenco.

<sup>24</sup> Macdonald of Glenco, upon the 31st of December, which was the last day of mercy, according to the tenor of the king's proclamation, applied to the governor of fort William to administer the oaths to him; but the governor declined doing it, and said it was the business of the civil magistrate. Glenco hastened to Inverary with as much expedition as the severity of the season would admit. The day of mercy had expired. A farther delay was occasioned by the absence of sir Colin Campbell, the sheriff, who, not without scruple and hesitation, yielded to the most pathetic and importunate solicitations, of Glenco, and administered the oath of allegiance to him, upon the 6th of January 1592. A certificate of his having done this, with an account of the circumstances which had occasioned the delay, was transmitted to Campbell the sheriff-clerk of Argyleshire, then residing at Edinburgh, in order to be laid before the privy council there.

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XVIII.

1692.

tenance, participated in the conversation and amusements of his family. Upon the thirteenth of February one thousand six hundred and ninety-two, the very day the officers had been invited to dine with Glenco, lieutenant Lindfay entered his house, in the morning before the dawn of light, fired upon him, and killed him as he was rising out of his bed<sup>25</sup>. Above thirty men were put to the sword, and in that number some who were under, and some who were above, the age prescribed by the warrant. Bloody as this tragedy was, yet it fell short of the barbarous intentions both of those who ordered, and of those who conducted it. On the day preceding the slaughter, colonel Hamilton was dispatched, with a party of soldiers from Inverlochy, on purpose to block up the passages from the valley, that none might escape by flight<sup>26</sup>. The severity of the weather retarded his march, and fortunately saved some hundreds destined to destruction. A scene of plunder followed the massacre: all the cattle were carried away to the quarters of the troops, and, as if it had been intended to devote the valley to perpetual desolation, the houses and villages were burnt by the soldiers<sup>27</sup>.

The general odium against government, too justly excited by this massacre, added to the experience of the ill humour of the States, made the king desirous to postpone, as long as possible, the meeting of another session. The urgent occasion for supplies, and for augmenting the army, constrained him at length to have recourse to a meeting of parliament; when an event occurred,

<sup>25</sup> State Papers, T. W. vol. iii. p. 604.

<sup>26</sup> Major Duncan's Letter, *ibid*.

<sup>27</sup> See Appen. lix II. at the end of this Chapter.



which encouraged him to expect a more ready COMPLIANCE with his measures. By the victory at La Hogue, the malecontents in Scotland were over-awed, while such of them as were conscious of guilt were at the mercy of the court from the discoveries, which had been made by some of the persons, who were convicted of conspiring against the government. The prospect of commissions to their friends in the new levies, and the promise of profitable commercial advantages, were held forth, to engage the interest of persons of family on the side of the court. To gain popular favour, the presbyterians were again distinguished by his majesty's attention, and their friends were put into the principal offices of the state.

C H A P.  
XVIII.  
1693.

The duke of Hamilton represented his majesty in the third session of the convention parliament, which met on the eighteenth of April one thousand six hundred and ninety-three. The king, in his letter to parliament, expressed a strong desire to have opened this session in person, but that he was disappointed by the continuance of the war, which required his presence on the continent. The commissioner and the chancellor, in their several speeches, directed the attention of the members to the great lines of business which his majesty wished them to pursue, and particularly the importance of putting the nation in a proper state of defence by additional forces, and by raising the supplies necessary for that end. The wishes of the court seemed to have been fully gratified by the compliance of this session. Four regiments of foot, and two of dragoons, were added to the standing army, and a supply of one hundred and fourteen thousand pounds voted for

Session of  
parliament.

Its compliance  
with the court.

CHAP. XVIII. maintaining them. An act also passed approving of, and ratifying the measures, of the privy council, which had exceeded its lawful power by levying men for the navy during the recess of parliament. For securing the government, such members, as had not taken the oath of fidelity, were expelled the house, and the trials of those persons, who had been apprehended upon suspicion of conspiracy, were ordered. An act also was passed, making it treason to go to France, or to hold correspondence with any person residing there. The resolutions of this session with respect to the episcopal clergy, if they did not fully correspond with the liberality of the king, seemed to have been formed upon the dictates of justice, and calculated to redress those, who had been deprived of their livings by the violence of mobs, or by the precipitate resolutions of the privy council. Such of them as took the oath, subscribed the confession of faith, and acknowledged presbytery to be the only ecclesiastical government, were to be admitted into the church; and if the general assembly should refuse to agree to this, they were assured of being protected by the king, and continued in their livings<sup>29</sup>.

Discon-  
tents in  
Scotland.

Neither the measures nor example of this session of parliament produced any permanent effect in allaying the discontents of the people in Scotland, or fixing their attachment to government. Few of the expelled clergy complied with the conditions required for being admitted into the established church. While the refusal of the rest gave a sanction to the rigorous proceedings of the ecclesiastical courts, it exposed the king the more to popular jealousy and censure, for the protection and indul-

<sup>29</sup> Burnet, 1693.

gence, which he still vouchsafed to those who had forfeited all legal claim to his protection. Instead of admiring his liberality, the generality of the clergy and the people were angry and astonished, because he neglected so fair an opportunity of distressing persons who were known to be disaffected to his government. His conduct in this instance was laudable; but it was justly censurable in other views, and contributed to foment that ill humour which prevailed through the greatest part of this reign. It was with reluctance that he gave his attention to the peculiar business of Scotland; his answer to petitions and applications of importance was unaccountably delayed; the great services of this session were not acknowledged with that forwardness and alacrity, which were expected by those who had contributed to them. Their expectations were disappointed, and their generosity abused, while the levies, made for the declared purpose of augmenting the Scottish army, were sent to recruit the regiments in Ireland and Germany. These topics were but too successfully employed to cherish the growing disaffection of the people. The effects of a seditious spirit appeared in the corporations in every part of the country, and it was only by the illegal exertions of the privy council, that a majority in favour of government could be maintained in the town council of Edinburgh.<sup>30</sup>

In this situation of the kingdom, parliament was prorogued from time to time, till the expiration of the funds, and the death of the queen, rendered it dangerous to carry on public business without the acknowledgment and interposition of the States.

<sup>30</sup> Ralph, vol. ii. p. 579.

C H A P.  
XVIII.

1695.  
Another  
session.

Another session of the Scottish parliament commenced upon the ninth of May one thousand six hundred and ninety-five. The marquis of Tweeddale was appointed his majesty's commissioner, and strongly recommended by him, on account of his capacity, zeal, experience, and fidelity. As the most successful expedient for securing the compliance of members, the chancellor signified his majesty's inclination to approve of any reasonable plan for extending the trade of Scotland, and establishing a plantation in any part of the world where it might be lawfully acquired.

The frequent intercourse, between the inhabitants of England and Scotland after the union of the two crowns, exhibited to the latter the most striking evidence of the influence of trade in promoting national prosperity. But this discovery tended to excite envy and despair, rather than to encourage hope and industry, while want of capital, and limited channels of commerce, precluded them from the means of approaching to the independence and wealth of their fellow-subjects. A share in colonial possessions, under the protection of government, was an object, to which every enterprising Scotchman looked forward with secret desire, but with little hope of success. A concurrence of incidents seemed at length to ensure the certainty of projects, which had been considered hitherto as speculative and doubtful.

11th Nov.  
1693.

The renewal of the charter to the East India company was a grievous disappointment to many of the English merchants, who had anticipated the most advantageous commerce, upon the idea of their being allowed a free trade to India, or of obtaining a charter for the erecting a new company. To them it was suggested, that their projects might still be realised, and their highest expectation

pectations gratified, through the circuitous channel of the neighbouring kingdom. It was at the same time represented to the king's ministers in Scotland, as well as to many persons of influence there, that, if a charter could be obtained for the protection and encouragement of a Scotch trading company, the skill and capital of many English merchants would readily be proffered, to assist their infant efforts, and to raise them to a state of opulence, equal to that of their envied neighbours. The plan was laid before the king by Johnstone, secretary of state for Scotland, and was urged as an infallible measure for conciliating the loyalty and affections of the nation. Happy to provide a new fund of favours; in a part of his dominions where the demands made upon him were so many and importunate, and the means to gratify them so extremely limited, he now authorised his commissioner to make proposals for extending their commerce. A committee of trade was accordingly appointed by parliament, which prepared an act to constitute a company, with certain privileges, for trading to Africa and the Indies<sup>31</sup>.

CHAP.  
XVIII.

1695.  
Act for  
extending  
the trade  
of Scot-  
land.

<sup>31</sup> By this act, certain persons named, and such as should join them before the 1st of August 1696, were constituted a body corporate, by the name of The Company of Scotland trading to Africa and the Indies, provided that one half of the fund, or capital stock, should be advanced by Scotchmen, &c. &c. Together with the rights and privileges usually given by law to other mercantile or manufacturing companies, they were empowered to plant colonies, hold cities, &c. in Asia, Africa, or America, in the places not inhabited, or in any place, by consent of the natives, and not already possessed by an European sovereign. All the powers and prerogatives, necessary for internal government and defence, were granted them. They were also exempted from all impositions or taxes for the space of twenty-one years.

CHAP.  
XVIII.1695.  
120,000l.  
English.Hard  
treat-  
ment  
1698.

The immediate effects of this act, though afterwards fatal to Scotland, were fully answerable to the expectations of the court. The sum of one million four hundred and forty thousand pounds Scotch, was voted for the maintenance of the land forces, and providing cruisers and convoys for the defence of the coasts. What was no less agreeable to his majesty, an act was obtained for allowing such of the episcopal clergy as took the oaths to the king, to continue in their parishes without being subjected to the presbyteries<sup>32</sup>.

No sooner had the Scots, in prosecution of the late act, adopted the plan of making a settlement in the Isthmus of Darien, than the king became sensible of the impropriety of the indulgence he had granted them. The Spaniards were alarmed at a settlement adjacent to their colonies, and their ambassador presented a memorial to the court of England, remonstrating against it. The French king, extending his views to the reversionary advantages of the Spanish succession to his family, offered a fleet to drive the Scots out of their settlement. The English were jealous of it, lest the prospect of wealth should drain their plantations in North America and the West Indies. What was believed to go still nearer to the heart of William, it was represented to be injurious to the inte-

<sup>32</sup> In consequence of this act, which was a confirmation of what had been promised by the last session, about seventy of the episcopal clergy, who took the oaths, continued to exercise their ministerial functions, and to enjoy the legal benefices. In parishes where they had gained the affections of their people, the continuance of their pastors would, we may believe, be highly acceptable; but, as the generality of the people were zealous for presbytery, the old episcopal incumbents were often looked upon with an evil eye, and considered as a burden upon the establishment.

est of the States <sup>33</sup>. The English parliament had CHAP. XVIII. early testified a disapprobation of the indulgence vouchsafed to the Scots, and though a tory ministry prevented that perseverance in opposition to it, 1698. Jan. 1696. which was expected from their first resolutions, yet it was known to be highly offensive to their constituents. Every measure was now pursued by the court, to frustrate the projects and success of the Darien adventurers. The minister at Hamburg presented a memorial to the senate to prevent the pecuniary assistance, which the company derived from the subscriptions of the merchants there <sup>34</sup>. Orders were transmitted to the governors of the English colonies in America and the West Indies, forbidding all commerce with them, and proclamations were issued to that purpose.

The effects of these ungracious measures of the court were what might naturally have been expected. Three successive colonies, sent from Scotland, perished under the complicated calamities of disease, famine, and the sword <sup>35</sup>. Some of them, who were taken by the Spaniards, dragged out a miserable existence in prisons, subjected to all the insults and cruelties, which are usually inflicted on pirates and robbers; and thus the lofty expectations of the Scots were laid in the dust. The loss of two hundred thousand pounds, subscribed

<sup>33</sup> It was said, that the Dutch from Curozao carried on a lucrative coasting trade among the Spanish plantations, which they were afraid the Scotch colony would draw entirely to themselves.

<sup>34</sup> Life of William, vol. iii. State Tracts, &c.

<sup>35</sup> The first colony, consisting of about twelve hundred men, departed from Leith on the 26th of July 1698. Soon after, a second and a third, consisting nearly of the same numbers, followed. The first and second colonies wasted away with famine and disease. The third fell into faction and disputes among themselves, were attacked by the Spaniards, and surrendered to them.

CHAP.  
XVIII.

1698.

Misery  
and disaf-  
fection of  
the Scots.

by a nation so low in fortune, occasioned almost an universal bankruptcy. There were few families which did not feel in a more tender point, and lament the loss of relations, who, instead of returning to their country loaded with wealth, had, through tyranny and treachery, been exposed to a premature death, attended with uncommon circumstances of horror.

From this period to the death of William, the history of Scotland presents one uniform face of wretchedness, discontent, and tumult. The depression, occasioned by natural calamities, unavoidably leads the mind to view in dark colours, and to feel, more intensely, those evils, which are brought on by imprudence, or by the malevolent agency of others. A successive run of bad seasons and scanty crops, at a time, when want of credit and difficulty of importation excluded any relief by a foreign supply of corn, completed the miseries, and inflamed the indignation and complaints, of the Scots. Many families of the lower class perished by famine; and thousands were daily emigrating from their native land. Discontent and clamour pervaded the whole body of the people. Their minds were exasperated against a sovereign, who, like a step-father, invested with the authority, without feeling the affection, of a parent, was partial and oppressive to them, whenever their interests came into competition with those of England or the States. Their hearts were alienated from the sister kingdom: the jealousy, rancour, and antipathy, which had agitated both nations in a state of hostility, began to revive, in all their vehemence. The contempt, the humiliation, the miseries, with which they were now overwhelmed, were traced up to that inauspicious event, which had united them under the dominion of one sovereign. While the minds

of



of the people in general were prepared for a separation, the friends of James, who never had deserted him, were mortified, by the coldness with which their addresses were now entertained, not only by their ancient sovereign, but by the court of France, ever open to the supplications of the Scots, and ready to vouchsafe them protection, before their fatal junction with England<sup>36</sup>. Nor were their disasters, from a foreign cause, soothed and alleviated by internal harmony, and that brotherly affection, which is naturally strengthened by a community of sufferings. The pride, the rivalry, the hatreds, of their chieftains, were ever and anon productive of discords, which embroiled the subordinate classes of their dependants. The bigotry of the presbyterians, armed with legal authority, omitted no opportunity to vex and to harass those, who did not conform to their worship and government. Incendiary papers daily issued from the press; associations were formed; riots and mobs in the metropolis, and under the very eye of the chief magistrate, exhibited the fury of the people, and the relaxation and impotence of government. Ministers and judges reciprocally upbraided and accused one another of imprudence, timidity and treachery. Various attempts were made to appease the discontents of the people, and to restore the dignity and authority of

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<sup>36</sup> Lewis advised James at this time not to enter into any terms with the malecontents in Scotland, because, on account of the increasing rancour between the two kingdoms, it would render him odious to the English, who were the most powerful; whereas, if he regained England, the Scots must necessarily yield to his authority. This advice of the court of France probably proceeded more from a regard to its own interest, than that of James. The partition treaty, which was now negotiating, would have been frustrated, if France had provoked William by stirring up a rebellion in Scotland.

government.

CHAP. government. Great industry was used to gain  
 XVIII. persons of interest and family: pensions were be-  
 1658. stowed; and titles were conferred. The most flatter-  
 ing promises, of his majesty's resolution of  
 doing every thing in his power for the relief of  
 Scotland, were contained in his letters to the parli-  
 1700. ament. These attempts only served to evince  
 the inveterate and universal disaffection of the  
 Scots. Remonstrances and addresses, from parlia-  
 ment, complaining of grievances, frustrated the  
 expectations of the king, and repeatedly obliged  
 his commissioners prematurely to adjourn it. The  
 malecontent members threatened to sit by force,  
 and in defiance of the king's adjournment. Peti-  
 tions, in the same strain with the addresses, and  
 praying for a meeting of parliament, were pre-  
 sented by many of the counties and boroughs. It  
 was dangerous for any person, in the course of  
 conversation, to say any thing in defence of the  
 king or his ministers; or to express himself, with  
 respect to the affair of Darien, contrary to the ge-  
 neral sense of the nation<sup>37</sup>.

In this situation, it became evident that the  
 strength of England was impaired, and its pros-  
 perity endangered, by a connexion with Scotland.  
 A disunion of interest and affection, between the  
 two nations, indicated an approaching disjunction  
 of their government. The extension of the act  
 of settlement, deemed essential to the safety of the  
 government and the protestant religion, was not  
 adopted by the Scottish parliament. After the  
 death of William, it was obliquely rejected by

<sup>37</sup> For the proof and illustration of these facts relative to  
 Scotland, the reader is referred to a valuable Collection of State  
 Papers and Letters, addressed to Principal Carstares, and pub-  
 lished by Doctor McCormick 1774; which exhibits a more dis-  
 tinct and striking view of the temper and political state of Scot-  
 land, than what can be conveyed by any general history.

their act of security<sup>33</sup>. That sagacious prince had foreseen all these evils, and often expressed his wishes for an incorporating union between the two kingdoms, as essential to the happiness of both. The enlightened and disinterested friends of their country were more and more convinced of the importance of this object. Their wishes and endeavours were at last crowned with success by the act of union, passed in both parliaments in the year one thousand seven hundred and seven.

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1691.

As the fruits of this event, after the experience of near a century, have been fully answerable to the fondest expectations of its promoters, it will be the ardent prayer of the generous patriot, that every recollection may be obliterated, and every inequality and distinction abolished, injurious to the continuance and perfection of that union, which is pointed out by the hand of the wise Creator of the universe.

To complete this work, it is necessary to give a short account of the political state of Ireland from the period, at which we left it, to the end of this reign.

The war there was terminated, as I have observed, by the surrender of Limerick on the fifth of October one thousand six hundred and ninety-one. By the articles of capitulation, the Roman catholics were established in the privileges which they enjoyed in the reign of Charles the second. All the garrisons, which had declared for king James, and all officers and soldiers, bearing his

State of  
Ireland.  
Articles  
of Limerick.

<sup>33</sup> By the act of security, passed in the parliament of Scotland in 1604, it was provided, that, if the queen died without issue, a parliament should immediately meet, and declare the successor to the crown, who should not be the same person who was possessed of the crown of England, unless, before that time, there should be a settlement made in parliament of the rights and liberties of the nation, independent on English councils.

commission,

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commission, who were willing to take the oaths to William and Mary, were to enjoy the estates which belonged to them before the commencement of the war. The same benefits were to be extended to merchants and other persons who had gone abroad within that period, provided they should return within eight months, and submit to the government. Such as declined to do this were permitted to leave the kingdom, and to go beyond sea to any place they chose, England and Scotland excepted. To facilitate the transportation of officers and soldiers in the service of James, the English general engaged to furnish fifty ships of two hundred tons, and more, if necessary, upon condition of paying the expences of their provisions at the place of disembarkation.

Censured  
by the  
Irish pro-  
testants  
and whigs.

These were the principal articles, agreed to at the surrender of Limerick, boasted of by the friends of James as the most advantageous capitulation recorded in the annals of war, and condemned by the Irish protestants, and many of the whigs in England, as dishonourable to the arms of William, and unjust to his best friends in Ireland <sup>39</sup>.

The reduction of that kingdom had been considered; by the protestants, as affording the most favourable opportunity for imposing such restrictions upon the Roman catholics, as might remove any future danger arising from the great superiority of their numbers. By the restoration of property to the persons, who were in arms against the revolution, the English nation was deprived of confiscations, which, though turned to the best account, must have proved an inadequate compensation for the burdens they had endured in

<sup>39</sup> Orleans. Burnet, 1691.

accomplishing

accomplishing the reduction of Ireland. By se-  
curing to the rebels not only the possession of their  
original property, but, of their estates, at the  
time of the treaty, as well as by the pardon of tref-  
passes committed during the war, the most oppres-  
sive injustice to individuals was confirmed; and  
those, who, upon account of their early zeal for  
the revolution, had been most exposed to violence  
and depredation, were abandoned to irreparable  
loss and suffering.

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No article of this treaty was more severely cen-  
sured; than that, which stipulated for the transpor-  
tation of the Irish officers and soldiers into France.  
What more acceptable service could have been  
rendered to the French king, than to furnish him  
with a choice body of troops made desperate by  
exile, and prepared, when an opportunity occur-  
red, to invade their native country with advan-  
tages, which no foreigners could possess? Nor  
would the benefit, which France was likely to  
derive from this concession, be confined to the ser-  
vices, or terminated by the lives, of the persons  
who were first transported from Ireland. By main-  
taining a correspondence with their relations, who  
remained in their native country, they would  
entice many to follow their example. The spirit  
of emigration, together with attachment to a fo-  
reign interest, would be cherished, and, in suc-  
ceeding generations, the armies of France would  
be recruited with the subjects of England.

However plausible these observations, yet strong  
reasons, arising from the circumstances of both  
kingdoms, recommended to William the most  
liberal concessions for obtaining the early submis-  
sion of Ireland. The parliament of England, re-  
collecting the enormous profusion of blood and  
treasure wasted in subduing the Irish rebels, in the  
reign

Considerations  
tending to  
vindicate  
the propri-  
ety and  
justice of  
them.

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reign of Charles the first, granted supplies for the present war with reluctance and penury; and yet, such gross abuses daily occurred in the expenditure of them, as furnished the party in opposition with the most specious grounds, for arraigning the conduct of the king and his ministers. He foresaw with regret, in the prolongation of hostilities in Ireland, a diversion of the revenue and force of England, which he wished to employ more directly against the armies of France upon the continent.

Nor was there any just reason for treating the Irish as rebels against the government of England, and for insisting upon those hard terms of submission, which were prescribed by the fears, the interests, or the resentment, of the English protestants. James had not abdicated or deserted the throne of Ireland. So long as a deputy held the reins of government in his name, the most obvious duty, as well as a regard to personal safety, recommended the continuance of allegiance to him. His assuming the government in person, while England still hesitated and delayed to succour those who had declared for the prince of Orange, necessarily involved, in active hostility, many persons, who wished well both to liberty and the protestant religion.

The privileges, granted to the Roman catholics, were such as could not have been withheld, without invading the constitution established at the restoration; and giving the highest offence to the foreign princes, who were members of the confederacy<sup>40</sup>.

The consenting to the emigration of the Irish troops might also be vindicated by the rules of

<sup>40</sup> Letters of the earl of Perth, Macpherson's State Papers.  
prudent

prudent policy. Was it to be imagined, that such a numerous and gallant body, hostile to the protestant religion and government, inured to plunder, and with arms in their hands, would have remained in a state of harmless inactivity? In what situation could they be more serviceable to Lewis, or more dangerous to William, than by being planted in the bowels of their native country, and ready for an insurrection, whenever any leader should offer to conduct them? The transportation of such a number of disaffected subjects, was like giving vent to those deleterious humours of the body, which, if they do not find a free discharge in the extremities, will recoil upon the vital parts, and quickly put an end to its existence.

But however necessary the articles of Limerick might be, for obtaining the peaceable settlement of Ireland, yet it might have been expected, that the execution of them would excite temporary discontents; and even alienate the affections of many who first supported the revolution. The schemes of avarice and resentment were not only defeated, but, in some instances, the expectations of equitable indemnification were cut off, by such a liberal remission of forfeitures, and such a comprehensive extension of mercy. To reconcile so many jarring interests, and to soften the complaints of the disappointed, great firmness and disinterestedness were requisite in the persons, whom the king intrusted with the management of his affairs. Unfortunately, however, either from the original want of these qualifications, or the uncommon force of temptation, the measures and example of his majesty's servants rather tended to inflame the discontents of the Irish, and to bring reproach upon the articles of Limerick. The persons, whom the king appointed lords justices or

Abuses  
committed  
by his ma-  
jesty's ser-  
vants in  
the go-  
vernment  
of Ireland.

CHAP.  
XVIII.

1691-2-3,  
&c.

commissioners <sup>41</sup>, discovered an arbitrary spirit, and great partiality, in the dispensation of justice. The trial of crimes was often conducted in a summary way, and without regard to the essential forms of law: evidence was suppressed with the connivance of the judges; the principal transgressors were acquitted, while those, who acted under their direction and influence, suffered the extreme vengeance of the laws <sup>42</sup>. But, in no case, did the management of the justices appear more iniquitous and oppressive, than in regard to the Irish forfeitures. The most beneficial leases were not only retained for themselves and their friends, but, in the competition for estates and farms, the lowest bidders were sometimes preferred; which, unavoidably, led to the suspicion of secret compensation being made them for flagrant breach of trust. These misdemeanours and the grievances occasioned by them, produced complaints and disaffection, which were made the ground of specific charges, presented to the legislature in both kingdoms. Inquiries were instituted: important discoveries were made; but the extreme intricacy and tediousness of this business, the private concerns of parties in England, and the industry of powerful individuals, who were not themselves free from all accession to the guilt alleged, prevented any effectual redress of public abuses, and the punishment of state delinquents <sup>43</sup>.

Peaceable  
state of  
Ireland.

Notwithstanding these occurrences, it is remarkable, that no internal disorder, affecting govern-

<sup>41</sup> On the 5th September 1690, the king constituted lord Sidney and Thomas Coningsby lord justices of Ireland, and afterwards added others to the commission.

<sup>42</sup> Ralph, vol. ii. p. 335.

<sup>43</sup> Journ. Commons, February, March, 1693, *passim*.

ment,



ment, happened in Ireland after the surrender of CHAP. XVIII.  
 Limerick. No future attempt was made by James, 1691-2-3, &c.  
 or his friends, to raise an insurrection there. In  
 the consultations among his agents, and their cor-  
 respondence with Saint Germain's, they do not  
 seem at all to have reckoned upon the strength of  
 Ireland, or to have expected any material support  
 from it. The submission of the Irish to the laws  
 and government was more prompt and regular,  
 than it had been in any former reign. His ma-  
 jesty's title was recognised without any conditions;  
 and, in five successive sessions of parliament, which  
 met in the course of this reign, supplies were  
 granted, and measures, in general, were carried  
 on, agreeably to the wishes of the court. 5th Octo-  
 ber 1692,  
 27th Aug.  
 1695,  
 27th June  
 1696,  
 27th July  
 1697,  
 27th Sept.  
 1698.

In attending to the history of this period, we  
 are naturally struck with the remissness of Ireland,  
 in having omitted so favourable an opportunity of  
 meliorating her political situation. If it was in  
 vain, to attempt an explicit declaration of her right  
 to an independent legislature and jurisdiction, yet  
 the example of the conventions, in England and  
 Scotland, might have suggested the idea of stipu-  
 lation with the new government, and the propriety  
 of fixing limitations to the superiority claimed by  
 England; and of guarding against encroachments  
 and abuses, to which it was wantonly extended in  
 the succeeding reigns. bold  
 efforts  
 made by  
 the Irish to  
 assert their  
 independ-  
 ence.

A slight acquaintance with the state of Ireland  
 furnishes a satisfactory explanation of that conduct,  
 which, at first view, may be placed to the account  
 of negligence, or want of public spirit. The pre-  
 judices of education concurred with the immedi-  
 ate views of interest, to dispose his majesty's pro-  
 testant subjects, now vested with the exclusive pos-  
 session of power, to adopt measures tending to in-  
 crease and strengthen, rather than to relax or dis-

CHAP. solve, the dependence of Ireland upon England  
 XVIII. All the English families transplanted into Ireland  
 1693-4-5- from the reign of James the First, who prosecuted  
 6 7-8, &c. by every method the propagation of the reformed  
 faith, had been taught to consider their religion  
 and their property as inseparably connected; and  
 to prefer the security and defence of the former to  
 every other consideration. These principles were  
 instilled into their children, with the first rudiments  
 of education; and became more vigorous  
 and operative in their descendants at the revolution,  
 from the remembrance of the horrors of the  
 Popish massacre, and their own experience of  
 alarm and danger in the preceding reign. Charles  
 the Second had been often inveighed against for his  
 indulgence to the Irish catholics; and James the  
 Second, by the new modelling of charters, had  
 openly and boldly transferred all the functions of  
 government into their hands. By the revolution  
 these were again restored to the protestants. Far  
 exceeded in numbers by the Roman catholics<sup>44</sup>,  
 the Irish protestants considered the maintenance of  
 power and property, and the very safety of their  
 persons, as depending upon their connexion with  
 England. All their schemes and measures were  
 therefore formed and directed with a view to cherish  
 this connexion, and to ensure the defence of  
 their religion. For this purpose they suggested  
 amendments upon the act of settlement: they  
 objected to the articles of Limerick, which, in  
 their apprehension, shewed too much kindness to  
 the Roman catholics. A sullenness and discontent

<sup>44</sup> They were calculated to have been in the proportion of  
 four to one, at the Restoration; and probably increased from  
 that period to the Revolution.

prevailed in the first session of parliament, because CHAP. Lord Sydney, the lieutenant, favoured the native XVIII. Irish and catholics too much <sup>1693-4-5-6-7-8, &c.</sup> <sup>45</sup>. Impressed with these views, the protestants in Ireland were afraid of incurring the displeasure of England; and if more extended views of liberty, or a foresight of oppression, inclined them to disown subjection to a foreign legislature and judicatory, or to propose any measure which implied the rejection of it, they were over-awed, and yielded to the control of the English parliament. Different measures, pursued in the first session after the surrender of Limerick, sufficiently ascertain, that the Irish parliament was not ignorant of the just claims of their constituents to independence, nor backward in asserting it, though, for the reasons mentioned, they had not boldness, nor, as circumstances stood, the ability to follow it out <sup>46</sup>. The English parliament was content, for a while, to pass acts binding Ireland, and implying its subordination, till at length a political pamphlet gave alarm, and occasioned the house of commons to make an

<sup>45</sup> So strongly, long after this period, did the same temper prevail, that we find the Irish protestants attentively availing themselves of every incident and emergency in England, to obtain farther securities against the Roman catholics. They knew how anxious the English parliament was to obtain the consent of all the three kingdoms to the act of settlement, and they agreed to it upon this condition, that Roman catholics should be disqualified from serving in parliament. In the same spirit they took advantage of the alarm of England, during the rebellions 1715 and 1745, to obtain stricter laws against Roman catholics.

<sup>46</sup> They were offended at the privy council in England for presuming to suggest particular taxes or means of supply, and contended, that, notwithstanding Poyning's law, it was their privilege to tax themselves. November 1692. They rejected three bills transmitted from England, and gave it as their reason, that they had not taken their rise in that house.

explicit

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1693-4-5-  
6-7-8, &c.

explicit declaration of the dependance of Ireland upon England, with an address to the king to use every method to maintain it <sup>47</sup>.

To this idea of the dependance of Ireland, the conduct of the English ministers, in succeeding reigns, was rigidly conformed. Harsh measures were often adopted, where her interests were suspected, ever so remotely, to interfere with those of the parent state, and sometimes restrictions were imposed upon her manufactures and trade without any certain advantage either to the commercial profit, or political strength, of England. Ireland long complained in vain of the accumulated oppressions which she endured under the British yoke, till at length, finding herself in possession of a powerful military force, when the mother country was over-matched by a combination of foreign enemies with her own disaffected children, she seized the favourable juncture of urging her claims with an assurance of success, and England yielded, from necessity, what she ought long before to have surrendered voluntarily, upon principles of justice and liberality. It is to be hoped, that the future prosperity of Great Britain and Ireland, united upon equal terms, will inculcate upon princes and legislators, in ages to come, this important maxim, that, that policy is ever the most beneficial, which is most consonant to equity, and most extensively conducive to the liberty of those over whom it is exercised.

<sup>47</sup> Chapter xix.

## A P P E N D I X I.

**I**N order to understand the grounds and extent of the demands now made by the presbyterians in Scotland, it is necessary to attend to the early history and character of the reformers there. The first object which they had in view, after obtaining the countenance of government, was to abolish every remaining monument and vestige of popery; and for this purpose, they made application to the States, to discountenance, and inflict severe punishments upon, all idolaters, or maintainers of idolatry, for such were the appellations they gave to those, who practised the worship and rites of the Roman catholic religion. This object, together with the establishment of their discipline, and the appropriation of a certain part of the parochial benefices for the maintenance of the reformed preachers or ministers, principally engaged the attention of the first fifteen general assemblies, which met on the twentieth of December one thousand six hundred and sixty, &c. &c. Keith's History of the Church and State, p. 498, &c.

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Connected with these points, another object was soon started, and pursued with unremitting ardour through succeeding assemblies; namely, the maintaining and securing to the ecclesiastical courts a jurisdiction separate from, and independent on, the

CHAP. XVIII. APPENDIX. the civil authority. This jurisdiction they describe in the following words: "This power and policy ecclesiastical is different and distinct in its own nature from that power and policy which is called civil power, and appertaineth to the civil government, &c." Again, "This power ecclesiastical floweth immediately from God and the Mediator Jesus Christ, and is spiritual, not having a temporal head on the earth, but only Christ, the only spiritual king and governor of his kirk." Second Book of Discipline, chap. i.

Two causes concurred to stimulate the presbyterian clergy to the more vehement and inflexible prosecution of an independent ecclesiastical jurisdiction;

1. The interference of the civil power, which invalidated and cancelled the sentences of their judicatories, and sometimes protected persons, who opposed the interests of the reformation, and contemned the authority of the church courts. A distinct and full view of this branch of ecclesiastical prerogative the reader, who desires farther information, may obtain, by perusing the following papers—A Remonstrance of the thirteenth General Assembly anent the Commission of Jurisdiction granted to the Bishop of St. Andrews; Keith's History, p. 566. The Case of Mr. Robert Montgomery; Spotswood's History, p. 318, &c. An Act of Assembly relative to the above Case; Calderwood's History, p. 124, &c. The Declination of the King and Council's judicature in Matters Spiritual, by Mr. David Blake, Minister at St. Andrews, 18th November 1596, approved by Commissioners appointed by the General Assembly, and transmitted to Presbyteries to be subscribed by them; *Ibid.* p. 338. Spotswood, p. 419. 426. The Preface to Articles presented to the King and States

States by the General Assembly 1582. The purpose of which articles is expressed in the following words: "That the acts of parliament concerning the liberty and jurisdiction of the kirk, be so plainly declared and enlarged, that, hereafter, no other of whatfomever degree, or under whatsoever pretence, have any colour to ascribe or take upon them any part thereof, either in placing or displacing, or of hindering, staying, or disannulling the censures of the kirk." See, particularly, the 1st Article; Calderwood, p. 134. and the Remonstrance about the Popish Lords, *ibid.* 142. 301. Patrick Adamson's Answer and Refutation, p. 263. Answer to the General Assembly at Perth, February 1596, particularly Answer to Question 2. *Ibid.* p. 383, and to Question 23. p. 385.

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By attending to the above papers the reader will perceive, that a jealousy of presbytery haunted the breast of James the Sixth of Scotland. He bitterly complained of the insolence of the ministers of the kirk, and when they waited upon him to know the cause of his majesty's displeasure against them, he plainly told them, "That there could be no agreement between them, so long as the marches of the two jurisdictions were not distinguished; that they did convocate general assemblies without his licence, conclude what they thought good, not once desiring his allowance and approbation; and in their synods, presbyteries, and sessions, did meddle with every thing upon pretence of scandal." See Acts of Parliament presented to the General Assembly at Dundee, April 1693; Calderwood, p. 285. Spotswood, p. 419.

2. As the first reformers, Knox and Melvine, founded the constitution of the protestant church  
in

CHAP. in Scotland upon the model of that of Geneva,  
 XVIII. they thought it of the greatest importance to ex-  
 APPEN- clude all connexion or association with the civil  
 DIX. power; and as they would not admit of its inter-  
 ference in their ecclesiastical judicatories, they  
 were no less anxious to debar their own members  
 from any participation of secular authority, lest it  
 should seduce them into an approbation of an ec-  
 clestiaſtical ſubordination, which was the fond  
 deſire of James. Aware, that ſuch connexion  
 between the civil and eccleſiaſtical judicatories was  
 really the moſt likely means to overturn preſbyte-  
 rian parity, and to render the clergy obſequious to  
 the court, James laboured with perſevering dili-  
 gence to introduce a representation of them into  
 the States. By profeſſions of reconciliation to the  
 kirk, conſeſſions, and great addreſſes in packing a  
 commiſſion, in the year one thouſand five hundred  
 and ninety-eight, he obtained its conſent to an act  
 of parliament, “ that ſuch paſtors and miniſters  
 “ as his majeſty ſhould provide to the place, dig-  
 “ nity, and title of a biſhop, or other prelate, at  
 “ any time, ſhould have voice in parliament, as  
 “ freely as any eccleſiaſtical prelate had in times  
 “ paſt.” Spotswood, p. 448. But the reſoluti-  
 ons of that commiſſion were underſtood to be ſub-  
 verſive of preſbytery, and accordingly the eſtab-  
 liſhment of epiſcopacy ſoon followed. Depen-  
 dence upon the civil legiſlature, in matters eccle-  
 ſiaſtical, was diſclaimed; and the privilege of a  
 ſeparate juriſdiction was conſtantly inſiſted upon,  
 by all who profeſſed to adhere to preſbytery, ac-  
 cording to its original and pure inſtitution.

With reſpect to the other conſeſſion made by  
 lord Melvill, namely, the abolishing the right of  
 patrons to preſent to vacant pariſhes, it may be  
 obſerved, that it was not any eſſential or funda-  
 mental part of the conſtitution and government of  
 the



the presbyterian church in Scotland. Presentations were coëval with the legal establishment of presbytery. Thus, by an act of the Scottish parliament, December, one thousand five hundred and sixty-seven, it was ordained, "that the examination and admission of ministers be only in the power of the kirk; *without prejudice to the patrons*, who must present a qualified person within six months after they have knowledge of the vacancy," &c. And again, by the act of parliament, fifth June one thousand five hundred and ninety-two, which contains the ratification of the presbyterian discipline and government, it is ordained, "That all presentations to benefices be directed to the particular presbyteries, with full power to give collation thereupon, according to the discipline of the kirk: *providing the foresaid be bound and restricted to receive and admit whatsoever qualified minister be presented by his majesty or laick patrons.*"

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The order and progress of the measures pursued by the convention, relative to ecclesiastical affairs, afford indisputable evidence, that they did not consider the abolition of patronage to be founded upon the same grounds with those other claims, which they annexed to the twenty-first article, in the enumeration of their rights. They abrogated the assertory act, or the act of supremacy, passed in the year one thousand six hundred and sixty-nine, as inconsistent with the establishment of the church government they desired; they abolished prelacy; they restored the presbyterian clergy, who had been thrust out of their livings after the restoration. So far the path was open and smooth, and they advanced with expedition and assurance; but, when they proceeded to settle the presbyterian church government, upon the footing of the act one thousand five hundred and ninety-

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ninety-two, and to ratify and revive the same in all the heads thereof, they paused and hesitated with respect to that clause, which secured the right of patronage, and reserved it for future consideration. They were aware, that this statute, which was to be the rule of their proceedings, contravened their own opinion and the popular desire.

But, though presentations were thus interwoven with the legal establishment of presbytery, it does not appear that they were agreeable to the inclinations of the presbyterian clergy, or that they would have preferred this mode of settling vacant parishes, if it had been left to their choice. Early after the reformation, they expressed an earnest desire to abolish this branch of the right of patrons, and to vest the election of ministers in the parishes, or presbyteries. See First Book of Discipline, chap. 4. General Assembly, 1562. Second Book of Discipline, chap. 12. Presentations, however, being a matter of civil right or property, could not be taken away, without consent of the States. Unable to obtain this, future general assemblies exerted their endeavours to prevent the abuse of presentations, to circumscribe the power of patrons, and to secure the qualifications of presentees. Adhering to the same sentiments, the church of Scotland availed itself of the depressed situation of Charles the First, in the year one thousand six hundred and forty-two, to obtain his consent to confine the candidates for vacant parishes, to a leet; that is, to a list, of six, to be sent him by the presbytery of the bounds. And they afterwards proposed that their leet should be confined to three. After the death of Charles, the states of Scotland passed an act, on the ninth of March one thousand six hundred and forty-nine, abolishing the patronage of kirks.

As

As presentations were abolished at that period, when presbytery was considered to have attained its purity, and revived, after the restoration, together with the establishment of episcopacy, the original prejudices of the people in Scotland against them were corroborated, by associating them in idea with a form of religion which was unpopular, and by invading that freedom of choice which they had long exercised. It is also natural to conclude, that the presbyterian clergy, who, during the late reigns, had subsisted by the bounty of the people, would be partial in asserting and contending for what they believed to be the rights of their benefactors.

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After the abolition of presentations, the right of electing ministers for supplying vacancies was placed in the heritors; that is, proprietors of land, and in the elders, or kirk session of the parish. This plan of settling ministers continued till the year one thousand seven hundred and eleven, when, by act of parliament, the right of patrons was again restored. Though, from this period down to the present day, presentations, together with collation by the presbyteries, have been the only legal method of conferring a right to benefices, the ecclesiastical laws, which were adapted to the act one thousand six hundred and ninety, remain unrepealed; and this jarring, between the civil and ecclesiastical legislature, has given occasion to divisions injurious to the presbyterian establishment in Scotland. While the people are misled, by the forms of ecclesiastical courts, to believe, that a call, that is, the consent of a great portion of the people, or at least a majority of the heritors and elders, is necessary to complete the right of the presentee; so, when that is wanting, they think

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think themselves warranted to object to his being collated, or ordained by the presbytery; and accordingly, as the presbyteries happen to approve or repel this objection, the cause is carried, by appeal of the patron, or of the parish, to the general assembly, the supreme judicatory, whose sentence is final in all ecclesiastical causes. But, in this judicatory, a diversity of sentiment often obtains among the members, who are equally entitled to credit for the purity of their motives; some contending, that the ecclesiastical laws ought to be the rule of their decision, while others are convinced, that not only necessity, but utility, requires obedience to the statute.

It were earnestly to be wished, that the civil and ecclesiastical laws were moulded into such conformity with each other, as to free the sentences of the church courts from every handle of censure, which is not only hurtful to their reputation, but painful to individuals, who abhor even the appearance of any deviation from candour and justice, either in their private or public conduct.

## A P P E N D I X II.

**A** Commission was granted on the twentieth of June, one thousand six hundred and ninety-three, appointing certain persons to make inquiry concerning the slaughter of Glenco, by whom and by what authority it was committed, and with full powers to examine witnesses, and to transmit the true state of the matter to the king, that he might give proper directions for satisfying the nation.

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From the proceedings of this commission, and the subsequent resolutions of parliament, in May one thousand six hundred and ninety-five, we are enabled to penetrate into the causes of a measure so reproachful to the government of William, and so inconsistent with the ordinary tenor of his disposition and conduct. We evidently perceive a series of malignant events, conspiring to the accomplishment of an atrocious action, which could not have happened, if any one of them had been wanting; and unless an uncommon cordiality in cruelty had united the advisers, abettors, and executioners, of it.

Private pique and resentment, arising from an ancient and hereditary feud, induced lord Breadalbane to give the most exaggerated account of Glenco's disloyalty, and of the effects of which it might be

CHAP. XVIII. be productive. He was represented as the sole  
 APPEN- cause of frustrating his majesty's plan of reconcil-  
 DIX. ing the Highland clans to his government; and as  
 reserving himself for some future opportunity of  
 rebellion. These views were seconded by sir John  
 Dalrymple of Stair, secretary of state. When  
 the king was advised to offer, by proclamation, an  
 indemnity to the Highland rebels, who submitted  
 by taking the oaths, and threatening the most se-  
 vere vengeance against such as did not, sir John  
 Dalrymple anticipates the disobedience of Glenco,  
 and projects his destruction. " Since the govern-  
 ment cannot oblige them, it will be obliged to  
 ruin some of them, to weaken and frighten the  
 rest;" and he adds, " That Macdonald of  
 Glenco will fall in the net." Letters of secre-  
 tary Stair to colonel Hamilton, 1st and 3d Decem-  
 ber 1691; State Papers, T. W. vol. iii. p. 603.

A concert seems to have been formed among  
 his majesty's ministers in Scotland, to suppress the  
 evidence of Glenco's having taken the oaths to  
 government. The privy council refused to admit  
 the certificate of sir Colin Campbell of Ardkinlas,  
 sheriff-deputy of Argile, bearing that Glenco had  
 taken the oaths. Individuals, who were members  
 of the privy council, when applied to by Colin  
 Campbell, the sheriff clerk, to receive the certifi-  
 cate, answered, that they could not receive it  
 without a warrant from the king; and that it  
 would neither be safe for Ardkinlas, nor profitable  
 for Glenco, to give it in to the clerk of the council.  
 His words, upon evidence, are, " That lord Abe-  
 ruchil, one of the privy counsellors to whom he  
 applied, said he had spoke to several privy coun-  
 sellors, and particularly to the lord Stair, and  
 that it was his opinion, that the foresaid certifi-  
 cate could not be received without a warrant  
 from

“ from the king.” Aberuchil confirms his evidence, but does not name lord Stair. After the news of Glenco’s delinquency, before any instructions were received from his majesty, Stair writes two letters to sir John Livingston, commander of the troops in Scotland, in which he expresses the utmost satisfaction at that event, and endeavours to prepare sir Thomas for the most cruel orders, undertaking that his commission shall contain sufficient authority. “ I assure you, your power shall be full enough, and I hope the soldiers will not trouble the government with prisoners.” Stair’s Letter, seventh January one thousand six hundred and ninety-two. In his letters, sent with the first instructions to sir Thomas, he expresses personal resentment against Glenco. He speaks as if it was his own cause, and enlarges upon the instructions given to the commander. “ I have no great kindness to Kippoch nor Glenco. Argyle tells me that Glenco has not taken the oaths; at which I am glad. It is a great work of charity to root out that damnable sect; the worst of all the Highlanders.” Letter eleventh January. He afterwards writes on the sixteenth: “ The king does not incline to receive any after the diet, but upon mercy.” And adds, “ I entreat that the thieving tribe of Glenco may be rooted out to purpose.” He not only urges sir Thomas Livingston to the most rigid execution of the king’s orders, but, what is particularly remarkable, knowing that these orders would be committed by Livingston to colonel Hill, he writes also to the latter, giving such directions as might render the execution of them more fatal and effectual. “ When the thing concerning Glenco is resolved, let it be secret and sudden,

R r

“ otherways

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“otherways the men will shift you; and better not meddle with them, than not do it to purpose.” Letter thirtieth January.

Sir Thomas Livingston caught the bloody spirit of Stair; and in a letter to colonel Hamilton, who was to execute the business, he repeats all his expressions; and observes to the colonel, “that he will have an opportunity of shewing that his garrison served for some purpose.” See Letter from sir Thomas Livingston to colonel Hamilton, 12 Feb. 1692; State Papers, T. W. vol. iii. p. 608.

When we observe such a combination of malice, such premeditated and persevering violence, in those who advised and served the king, we need not have recourse to the supposition of any inherent cruelty in his disposition to account for the massacre at Glenco. He must have been, to an uncommon degree, suspicious and wary, if he had avoided the snare. After all, it is not intended to remove all blame from his conduct in this affair. He was guilty of indolence and carelessness, in consenting to instructions so horrid and barbarous; in not enquiring into the circumstances of this event immediately after it happened, and in not inflicting punishment upon the persons, to whom the guilt was applied by the commissioners. The massacre of Glenco, if not a crime in William, was certainly one of the greatest misfortunes of his reign. The commissioners found that there was nothing in the king's instructions to warrant the committing of the slaughter, and far less the manner of it; and that secretary Stair's letters were no wise warranted by, but quite exceeded the king's instructions. State Papers, T. W. 509. See also De Foe's History, p. 70. Cunningham's History, vol. i. p. 124.

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## C H A P. XIX.

*Circumstances unfavourable to the Influence and Tranquillity of William after the Peace of Ryswick.---His Anxiety to prevent the Reduction of the Army.---Arguments against a standing Army---Arguments for it.---Reasons for the King's Reluctance to the Disbanding of the Army.---Meeting of Parliament.---Resolutions of the Commons to disband the Army.---Various Pretexts of the King for not complying with it.---The Civil List augmented.---Resolutions with respect to the public Debts.---Establishment of a new East India Company.---Motion for appropriating the Irish Forfeitures to the public Service-- defeated.---Attack upon Mr. Montagu.---The Dependence of Ireland on England asserted.---Dissolution---and Character of the third Parliament of William.---Partial Change in Administration.---The Earl of Portland sent Ambassador to France.---The Whigs prevail in the Elections.---The fourth Parliament meets.---The Army farther reduced.---The Navy augmented.---Partial Change of Ministry in favour of the Tories.---Second Session of the fourth Parliament.---Measures of Opposition directed against the Whig Ministers---and personally against the King.---Reduction of the Navy.---Revocation of the Royal Grant in Ireland.---Severe Act against Roman Catholics.---Reflections.---Address and Insinuations of the Tories for prevailing with the King to bring them into Power.---Lord Somers removed from Administration.---*

*Events contributing to a complete Change of Ministry.—Death of the Duke of Gloucester.—The Importance of extending the Protestant Succession.—The State of foreign Politics.—Death of the King of Spain.—Dissolution of the fourth Parliament.*

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Circumstances unfavourable to the influence and tranquillity of William after the peace of Ryswick.

THE peace of Ryswick closed the military labours of William, and confirmed his title to the crown of England, but it did not promote his tranquillity and influence at home. A contradiction to his favourite measures, insult to his affections, the faction, jealousy and ingratitude of his subjects, filled the remaining years of his life with anxiety and bitterness. A war, popular at its commencement, had united the approbation and services of every party, and, during its continuance, suspended and moderated animosities. The return of peace gave new scope to the prosecution of private interests and resentments, disturbed the harmony, and weakened the energy, of domestic government. The frequent changes in administration, since the accession of William, indicated his indifference or impartiality with respect to the two most powerful parties, and disappointed him of the cordial and steady support of either. The store of royal favours, a powerful attractive of homage and support to the crown, was impaired by a peace establishment. The whigs, who, independently on any motive of personal attachment, were the most sincere friends to the revolution, and supported the authority of William as it was connected with that event, had lost much of their reputation by the apparent inconsistency and selfishness of their conduct.

**The** tories, though they maintained more courtly principles than the whigs, had not scrupled, while in opposition, to make violent attacks upon the prerogative, and, besides, were so much mixed with the friends of St. Germain's and of the princess Anne, that the king could not rely with confidence upon their support. The republicans, who had coalesced with the whigs at the revolution, now began to resume the name and consequence, of an independent party. Many books in defence of their principles were now published, and, by the applause with which they were received, it appeared that their favourers were neither few nor inconsiderable<sup>2</sup>. From this party, a strong reinforcement might be expected in every question and resolution, framed for degrading the dignity, or contracting the prerogatives, of the crown. The tumults and discontents of the Scots were a source of continual vexation to the king, and the measures, which he employed to allay them, were turned into complaints against his government by his enemies in England. That jealousy of the Dutch, which began at an early period in this reign, restrained during the war by the associated interests of England and Holland, now broke forth with the utmost violence, trampled upon all the laws of decorum and gratitude, and gave a deep wound to the sensibility of the king<sup>3</sup>. At the same time, the rivalry and animosity of those, who had been the earliest objects of his confidence,

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<sup>2</sup> Harrington's Oceana, Milton's Antimonarchical Treatises; Ludlow's Letters, Sydney on Government, were studied with great avidity at this time, and were supposed to make a deep impression in behalf of the principles which they inculcated.

<sup>3</sup> See a pamphlet, entitled, The Dear Bargain. Somers' Collection, vol. xi. p. 228.

disappointed

CHAP. disappointed him of that sympathy and united  
 XIX. support, which might have soothed him under the  
 1697. indignities which he daily received. Thus the  
 violence of faction, a distrust of every party,  
 and the feeble and staggering influence of the  
 court, constrained him to pursue, in a clandestine  
 way, those measures, which the interest of Eng-  
 land, and the independence of Europe, required ;  
 and the detection of them furnished his discon-  
 tented subjects with new materials for censure and  
 opposition. These observations will be illustrated  
 by the events and transactions of the remaining  
 period of this reign.

Anxiety  
 of the  
 king to  
 prevent  
 the re-  
 duction of  
 the army.

Having settled the affairs of the States after the  
 peace, William returned to England on the four-  
 teenth of November. He was received by the  
 city of London with pompous expressions of con-  
 gratulation, and the gratitude of the nation was  
 testified by addresses from every corporation and  
 county. As the people in general rejoiced in the  
 prospect of a cessation from those heavy burdens,  
 which had been accumulating since the com-  
 mencement of the war, so they were more solici-  
 tous to enjoy the immediate fruits of the peace,  
 than to render it productive of durable and sub-  
 stantial advantages. The reduction of the army  
 was universally expected as the certain and happy  
 consequence of that event ; but, unfortunately,  
 was considered by the king as equally fatal to his  
 authority, and to the security of England and the  
 States. Aware of the prejudices of the people,  
 he discovered an anxiety, impolitic and prema-  
 ture, to reconcile them to his private opinion and  
 wishes. A pamphlet, setting forth the dangers  
 which would follow from disbanding the army,  
 was traced to the inspiration of the court, and  
 only

only served to spread and to confirm the opposite <sup>2</sup> H A B. opinion \*. <sup>XIX.</sup>

1697.

The anticipation of a question of such magnitude, and which constitutionally depended upon the vote of parliament, awakened popular jealousy, and discovered the spot in which the court was vulnerable. Whigs and Tories, however much at variance in their political sentiments, had united upon this important point, and had published to the world their decided protest against a standing army. The former, in the reign of Charles the Second, contended for the dissolution of the life guards, as essential to the safety of the constitution and liberties of England; the latter had meritoriously supported the militia in opposition to king James, who, after the suppression of Monmouth's rebellion, wanted to establish a standing army, as the fittest instrument for accomplishing his arbitrary measures<sup>3</sup>. A standing army was so well understood to be the darling object of every ambitious prince, and so repugnant to the liberties of the people, that it had been solemnly and expressly guarded against by the bill of rights, except with the consent of parliament. The select arguments upon this subject, which were dilated and placed in a variety of lights in the debates and publications of the times, may be compressed within a narrow compass.

<sup>4</sup> It was filed, A Letter balancing the Necessity of keeping a Land Force in time of Peace, &c. and ascribed to lord Somers.

Very able pamphlets were published on the other side, particularly one by Mr. Trenchard, entitled, An Argument, shewing, that a standing Army is inconsistent with a free Government, and absolutely destructive to the Constitution of the English Monarchy.

<sup>5</sup> Ralph, vol. ii. p. 766.

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Arguments  
against a  
standing  
army.

The expence of maintaining an army, the disorders and oppression which attended the residence of military men, the increasing power of the crown, arising from the disposal of so many commissions, were considerations no less obvious than worthy of patriotic attention.

No fact seemed to be better established by the current testimony of history, than the inconsistency of a standing army with a free constitution. When the extension of the Roman empire rendered it necessary to prolong the military services of the citizens, until at length the army became a separate and distinct body from the civil members of the state, it was employed as an instrument, in the hands of aspiring individuals, to subdue the liberties of their country. The freedom, which was established in the different states of Europe, after the fall of the Roman empire, had expired, when the military became independent on the civil authority<sup>6</sup>. The recent and domestic examples of the usurpation of Cromwell, and of the restoration of monarchy by Monk, were peculiar warnings to England, that neither the regulations of government, nor the senti-

<sup>6</sup> It may be asserted, that this argument is happily confuted by our own experience. The army of Britain has been gradually increasing for more than a century, and yet no injury to liberty has arisen from it, nor indeed is any danger apprehended. This very circumstance may be specified among the pleasing effects of the revolution; it has produced a remarkable and happy change on the character of military men. It not only introduced immediate improvements into our constitution, but planted the seeds of expanding freedom; the liberal sentiments, which are the fruits of these seeds, have now pervaded every rank and order of society. The idea of a separation, or an interference of interests, between the civil and military professions, is now extinguished. Among the latter we find the most correct views of our constitution, and the most ardent enthusiasm for the preservation of it.

ments and habits of the people, could prove any defence against the ambition of individuals, aided by the obedience and affections of well-disciplined troops.

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To what particular cause are we to assign the pre-eminence of England, and its preservation of a free constitution, while nations, formerly in the same political situation, were bound by the fetters of despotism? To its insular situation, evidently, which superseded that augmentation or uninterrupted establishment of military force, necessary to protect continental nations from the invasion of contiguous enemies, or which invited them, in their turn, to an immediate and convenient extension of territory. These local advantages of England still subsisted, and were held forth as a sufficient argument for opposing the increase and maintenance of a land force, proportionate to what had been adopted by its natural enemies upon the continent. A national militia, with some improved regulations, might, it was asserted, at a smaller expence, and without danger to the constitution, answer all the purposes of a defensive and righteous war<sup>7</sup>.

The arguments, in support of a standing army, rested entirely upon the plea of necessity; nor was it supposed, that any person, however well convinced of the propriety of the measure, in the present circumstances of the nation, either meant to conceal the inconveniences attending it, or to vindicate its perpetuity. While surrounding nations were augmenting their forces, England, by reducing hers, might not only lose her weight in the political scale, but her constitution and inter-

Argu-  
ments  
against it.

<sup>7</sup> Ralph, vol. ii. Life of William, vol. iii.

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nal prosperity would be exposed to the most imminent danger from the attack of foreign enemies. The ancient hatred, between the English and French nations, sharpened by the recent injuries of an expensive and bloody war, and by personal animosity between their present sovereigns, was now more acute than had been known, since the time that the former had relinquished her conquests and sieges on the continent. The improvement and increase of the French fleet, experienced in the late war, rendered them always prepared for naval hostilities; while a strong party in England, attached to the abdicated king, and her defenceless state, should the army be disbanded, would invite her foreign and domestic foes to invasion and insurrection, almost with the certain prospect of success. The dangers, so much apprehended, might be entirely removed, by subjecting the military to a constant and strict dependence on the civil power. The number of troops might be restricted to such a proportion as was barely sufficient for the defence of the nation, and retained only for a short time, when it was hoped, that the circumstances of Europe might safely admit of their being dismissed.

**Reasons**  
for the  
king's re-  
luctance  
to the dis-  
banding of  
the army.

**Reasons** It is not surprising, that the king entered into the discussion of this question, with more anxious and undisguised solicitude than what seemed consistent with his usual reserve and prudence. His domestic situation, at an early period, directed the application of his genius to war, and inured him to military habits; his political principles and his distinguished talents, raised him to the

\* Ralph, vol. iii. Life of William, vol. iii. Published of the Times in the State Tracts, and Somers' Collection illustr.



illustrious station of being the champion of the liberties of Europe. His ascending the throne of England did not so much gratify a selfish passion for power and fame, as it did the liberal enthusiasm of the patriot, by adding the pecuniary and warlike aid, of an opulent and mighty nation, to a confederacy formed for the defence of civil and religious liberty. After eight laborious campaigns, he had humbled the ambition of France, established the liberties of Europe, secured a crown to himself, and a free constitution to England; but, if his army were disbanded, all was undone. The projects, the toils, the success, of his whole life, would be frustrated. The death of the king of Spain was approaching, and would be followed by a controverted succession. Should any one of the princes of France prevail by the right of blood, the whole power of that empire must become obedient to the direction, and subservient to the ambition, of Lewis. The barrier of Holland would be no longer secure; the revolution-establishment in England would be precarious; and the liberties of Europe brought to the extreme of danger. Besides, the feelings of William, as a soldier, must have been deeply interested for the many brave companions of his dangers and his victories, who were not only to be degraded from their dignity, but deprived of the provision, which was necessary for their respectable subsistence in the most private and retired situation.

The zeal of the king for maintaining a large standing army, founded upon these arguments, was at length announced in the most public manner, by his speech at the opening of another session of parliament. He told them, that the circumstances of affairs were such, that he thought

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Meeting  
of parliament,  
3d Dec.

CHAP. thought himself obliged to declare his opinion,  
 X: X. that England could not be safe without a land-  
 1697. force.

The forestalling, in this manner, an opinion upon a question so ambiguous and controverted, awakened a jealousy of the influence of the court, and gave an edge to the keenness of those, who, either from the influence of principle or faction, were inclined to oppose it.

Resolu-  
 tions of  
 the com-  
 mons to  
 disband  
 the army.

Both houses addressed the king in high terms of respect and compliment; but, at the same time, general and reserved as to the point, upon which he was most anxious to obtain their approbation<sup>9</sup>. In the course of the debates upon this subject in the house of commons, some animadverted upon certain expressions of his majesty's speech as too positive and overbearing; and a great majority intimated their disapprobation of his sentiments, by coming to a resolution, without a division, of paying off and disbanding all the troops which had been raised since the year one thousand six hundred and eighty<sup>10</sup>. The friends of administration moved, in vain, that the question might be recommitted. With as little success they proposed, that directions should be given to the committee of ways and means for providing a supply of five hundred thousand pounds for the guards and garrisons. The design of retaining, under this description, a reversion of the army, was palpable; and, in order to defeat it, an amendment was added, that the motion should be pursuant to the vote of the house, on the eleventh of December, which ne-

<sup>9</sup> Journ. Lords, 6th; Journ. Commons, 7th December.

<sup>10</sup> Journ. Commons, 11th December.

effarily reduced the army below the number of <sup>C H A P.</sup> eight thousand men <sup>XIX.</sup> <sup>1697.</sup>

The king had recourse to various apologies and <sup>1697.</sup> pretexts to elude or retard the execution of a <sup>Various</sup> measure, which could not be averted by secret <sup>pretexts</sup> influence, or the force of argument. He com- <sup>of the</sup> plained, that by disbanding all the men raised <sup>king for</sup> since the year one thousand six hundred and <sup>not com-</sup> eighty, the defence of the nation would be thrown <sup>plying</sup> into the hands of the old tory troops, whose <sup>with it.</sup> principles and loyalty were suspicious <sup>1697.</sup> <sup>1</sup>. Several regiments were transported into Ireland, and in some the privates only were disbanded, while the officers were retained. The want of money, sufficient for discharging the arrears of pay, served as an apology in answer to the addresses and remonstrances of the commons, still urging compliance with their vote till the session was closed <sup>1697.</sup> <sup>2</sup>. The king fondly hoped, that, by his influence in a new parliament, or by the occurrence of political events favourable to his system, he might be justified for maintaining a larger force than what was warranted by consent of parliament <sup>1697.</sup> <sup>3</sup>.

But, though the commons were inflexible upon <sup>The civil</sup> the point of disbanding the army, they seemed <sup>list aug-</sup> <sup>mented.</sup>

<sup>1</sup> Journ. Commons, 8th January, 1698.

<sup>2</sup> Ralph, vol. ii. p. 768.

<sup>3</sup> Journ. Commons, 28th May: 1st and 17th June.

<sup>4</sup> The jealousy of the nation, in the course of these proceedings, was inflamed by the large proportion of foreign troops in the pay of England. The king kept one troop of horse, consisting of 220 men, and four battalions of body guards, consisting of 2670 men, all Dutch. Two regiments of dragoons, amounting to 1400, and three of foot of 3000, were entirely composed of French refugees. These regiments were all considered as personally attached to William, and devoid of all zeal for the liberty and interest of the nation.

desirous

CHAP. thought himself obliged by their liberality in  
 X: X. that England could be relieved for the civil list during  
 1697. force. the favour was enhanced.

The forestalling of a sense of gratitude for the  
 upon a question he had done to the nation<sup>15</sup>.  
 awakened a jealousy, this increase of revenue was  
 and gave a... be burdened with the payment of  
 either from and pounds for the jointure of James's  
 were increased and the expences of the duke of Glou-  
 Boar's household<sup>16</sup>. The other supplies were  
 of... with a discreet liberality, and appropri-  
 ti... with a just arrangement to the several  
 claims, which depended upon the faith of parlia-  
 ment.

*Produce  
 raised with  
 respect to  
 the public  
 debts.*  
 The national debt at the conclusion of the war,  
 including the arrears of the army and navy, and  
 the subsidies due to foreign princes, amounted to  
 ten millions eight hundred and seventy-six thou-  
 sand pounds five shillings and one penny half-  
 penny. This sum, contracted in the course of  
 eight years, and little more than the half of what  
 has been repeatedly raised, in our own days,  
 within the space of one year, was, in the cir-  
 cumstances of the nation at that time, reckoned  
 so enormous, as to render every plan for immedi-  
 ate payment impracticable. The commons there-  
 fore with propriety preferred the arrears due to  
 the army and navy, and raised supplies sufficient  
 to discharge them within the year one thousand  
 six hundred and ninety-eight<sup>17</sup>. In order to  
 soften the complaints of the reduced army, they  
 voted half-pay to the commissioned officers, four-

<sup>15</sup> Journ. Commons, 21st December 1697.

<sup>16</sup> Burnet, 1698.

<sup>17</sup> Journ. Commons, 1st February, 10th March, April,  
 May, passim.

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subistence to every foot soldier and  
ned officer, and six days pay to  
nd non-commissioned officer of  
illiberal jealousy of the na-  
ained this generosity to those  
re his majesty's natural born sub-  
and. The accumulated sums, voted  
supplies this session, amounted to four  
as eight hundred and fifty thousand one  
ndred and seventy-four pounds five shillings.

The whigs availed themselves of their superi-  
ority to strengthen their future interest, by esta-  
blishing a new East India company<sup>18</sup>. The  
affairs of the East India company had been intro-  
duced in many preceding sessions, but were not  
materially connected with the interest of parties,  
nor did they produce any regular influence upon  
the political situation of the kingdom. From this  
period till the year one thousand seven hundred  
and one, when the two companies were incorpo-  
rated, the attachment of members of parliament  
to the one, or other, of these, became a criterion  
of their principles and connexions. The friends  
of the new company uniformly enlisted under the  
banner of the whigs, and the friends of the old  
company under that of the Tories. While the  
latter used their endeavours for thwarting a mea-  
sure, which was to throw so great a proportion of  
commercial influence into the hands of their an-  
tagonists, they appeared, at the same time, to  
stand forth as advocates for the honour of the  
crown and the justice of the nation<sup>19</sup>. In con-

Establish-  
ment of a  
new East  
India  
company.

<sup>18</sup> Journ. Commons, 1st February, 10th March, April,  
May, *passim*.

<sup>19</sup> Journ. Commons, 26th May and 25th June.

<sup>20</sup> Lords' Debates, vol. ii. Journ. Commons, 15th June.

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XIX.

1698.  
Nov.  
1693.

sequence of the old East India company having obtained a renewal of their charter, many new adventurers had entered into a partnership in their trade, and the property, of more than a thousand families in the kingdom, was vested in East India stock. Besides former expenditures, for which the prosperity of their trade might be supposed a sufficient compensation, a million had been lately disbursed in new fortifications, for their security in India, which could be refunded in no other way but by a monopoly, in terms of their charter.

These arguments, though deeply founded in justice, were over-ruled by the liberal aid which the new company had offered to government; and to palliate the oppression of the measure, it was contended, that the king had no power to grant a monopoly without the consent of parliament, and that he had, in the charter, reserved the power of recalling it, upon giving them notice three years before-hand<sup>21</sup>.

If the whigs, in this, as well as in the other sessions of parliament, discovered great liberality in granting supplies, and ingenuity in finding the means of raising them, their merits, at the same time, were tarnished, by soliciting and obtaining exorbitant grants and pensions for themselves. The forfeitures in Ireland had already furnished them with overflowing treasures, and, if left to the disposal of the crown, promised

<sup>21</sup> The subscribers to the new company obliged themselves to raise two millions for the government, upon the condition, that they were to receive eight per cent. for their money, and enjoy an exclusive right of trading to the East Indies; the old company being allowed that privilege no longer than to the year 1701.

an inexhaustible fund for gratifying the avarice of their leaders, and supplying the necessities of their friends. To defeat this prospect, their opponents brought in a bill for vacating all grants of forfeited estates in Ireland, from the thirteenth of February one thousand six hundred and eighty-eight, and appropriating them to the use of the public <sup>22</sup>. If this motion had been restricted, according to the intention of those who suggested it, to such grants as had passed during the present reign, it might probably have met with success at this time, and might have proved a new occasion of affront to the king, and of disappointment to his favourites. But when another bill was brought in, probably not without the instigation of the court, to extend the revocation to all similar grants during the two preceding reigns, it collected the united opposition of jarring parties, and was thrown out by a great majority.

CHAP.  
XIX.

1698.  
Motion  
for appropriating  
the Irish  
forfeitures  
to the public  
services

defeated.

The tories made an attempt to hurt the influence and credit of the whigs, by proposing to impeach Mr. Montague, who was now at their head in the house of commons, for having obtained a grant upon one of the forfeited estates; for his own benefit, in the name of another person; but his distinguished talents and usefulness to the nation made a suitable impression upon the minds of its representatives, disappointed the malice of his enemies, and even proved the means of procuring him public honour. The commons voted, that he deserved his majesty's favour upon account of his good services to the government <sup>23</sup>.

Attack  
upon Mr.  
Montague.

<sup>22</sup> Journ. Commons; 7th February.

<sup>23</sup> Ibid. 16th February.

CHAP.  
XIX.

1698.  
The dependence of Ireland on England asserted.

With whatever violence parties might disagree upon subjects relative to internal policy, yet they cordially united in the same sentiments, with respect to the dependence of Ireland on the legislature of England, and the plan of retaining her in that dependence. To have proposed any mitigation of it, or any measure for the separate improvement of Ireland, was a stretch of liberality, to which, probably, few individuals at that period had attained; or if they had, which no party could have dared to avow, from the fear of losing popularity, as well as the favour of the court. Hence the house of commons unanimously expressed their indignation against a pamphlet, which maintained, that Ireland was not bound by acts of the English parliament; and also against some late proceedings of the Irish parliament, tending to establish its independent authority<sup>24</sup>. After reading the exceptionable

<sup>24</sup> This pamphlet, ascribed to Mr. Molyneux; was entitled, *The Case of Ireland being bound by Acts of Parliament in England*. Several acts of the English parliament had passed since the commencement of this reign, binding Ireland, and some of them repealing acts of the Irish parliament. The tendency of these proceedings, and the effects of their dependence on England, began to be seriously considered by the Irish; and the above pamphlet was expressive of the general sentiments of that nation. Their parliament, entering into the same views, transmitted to the king and council the heads of a bill, which, under colour of giving a sanction to the acts of the English parliament, was really meant to invalidate its authority; and which might have been used afterwards as a precedent for excluding it entirely. The commons, therefore, pointed that censure jointly against the book and the parliament, by resolving, that the book was of a dangerous tendency, and that encouragement had been given to the inflammatory positions contained in it, by a bill, entitled, an Act for the better Security of his Majesty's Person and Government, transmitted under the seal of Ireland, whereby an act made in England was pretended to be re-enacted by an Irish parliament. See *Strictures on the State of Ireland*, printed with De Foe's *History of the Union*. passages



passages of the pamphlet, they resolved, that it was of dangerous consequence to the crown and people of England; addressed the king to take all necessary care, that the laws restraining the parliament of Ireland be strictly observed; and to discountenance every measure tending, in any degree, to lessen its dependence on England. This arbitrary system, concerning the sister kingdom, they seconded and supported, by a measure which deeply affected her internal prosperity, when it seemed to interfere with that of England. For, upon complaints that the woollen manufacture was carried on in Ireland, they addressed the king, that he would enjoin all employed by him there, to use their utmost diligence for preventing the exportation of wool, unless it was brought into England; and for discouraging the woollen, and increasing the linen manufacture \*.

CHAP.  
XIX.  
1698.

The king put an end to this session on the fifth, dissolved the parliament on the seventh, of July; and summoned a new parliament to meet upon the twenty-fourth of August.

Reviewing with impartiality the proceedings of the third parliament of William, we must allow that it is entitled to no small share of praise, not only on account of the beneficial measures which it adopted, but on account of the uncommon difficulties which it surmounted, in order to carry them into effect. The successful plans, pursued in the first session for extricating the nation from the great pecuniary distresses in which it was involved, exhibit examples of ingenuity, resolution, and perseverance, which reflect the highest

and character of the third parliament of William.

\* Journ. Commons, 21st May; 22d, 27th, and 30th June.

CHAP. honour upon those who devised and conducted  
XIX. them <sup>27</sup>.

1698.

Some useful statutes were likewise enacted, for preventing fraudulent bankruptcies and abuses in privileges, and for regulating and extending the trade of the nation. But what, above all, must render the memory of this parliament precious to every friend of humanity and freedom, are its excellent amendments and regulations with respect to the laws of treason <sup>28</sup>.

During the continuance of the third parliament, the whigs retained most of the ministerial offices, and succeeded in every measure in which they were united. In the question about disbanding the troops, they separated; and therefore it was carried against their leaders, as well as against the inclinations of the court. Lord Sunderland was at this time consulted by the king in private, more than any of his English subjects. To his instigation the plan of maintaining a standing army was ascribed; and so general an odium pursued him, that he found it necessary to resign his office of chamberlain, in order to evade the public disgrace of parliamentary censure <sup>29</sup>.

26th  
Dec.  
1697.

Partial  
change in  
adminis-  
tration.

Sir William Trumbull was removed from being secretary of state, and Mr. Vernon, who had great experience in business by having been employed under the duke of Shrewsbury, was ap-

<sup>27</sup> Drake's History of the last Parliament.

<sup>28</sup> Ibid.

<sup>29</sup> Burnet, 1698. Somers, Shrewsbury, Portland, Oxford, and Montague, were, at this time, united, to oppose the influence of Sunderland in the cabinet. A sincere friendship, however, afterwards seems to have taken place between Somers and Sunderland. See, Letters in Hardwicke's Collection, vol. ii. n. 7.

pointed to that office. This change was considered as an indication of the declining influence of the earl of Portland, to whom sir William Trumbull was affectionately devoted. It was believed that lord Sunderland and Mrs. Villiers, a lady to whom the king shewed some partiality, used their endeavours to alienate him from Portland, while the frank manners of his first page and secretary Van Keppel, now earl of Albemarle, gained upon the courtiers, and rendered him a more agreeable companion to his master in hours of relaxation. It is evident, however, from the important services in which the king continued to employ the earl of Portland, that he still entertained a very high esteem of the capacity and faithfulness of that nobleman; for he was sent ambassador to France soon after the establishment of peace. He was instructed to urge the removal of king James from St. Germain, and to solicit indulgence for the protestants in France; in neither of which he was successful. It is probable, that the principal object of his embassy was to enter into overtures concerning the partition of the dominions of Spain, which were soon after agreed upon between William and Lewis.<sup>30</sup>

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XIX.

1698.  
5th Dec.  
1697.

The earl of Portland sent ambassador to France.  
10th Jan.

From some incidents, which happened after the rise of parliament, it was evident that a misunderstanding still subsisted between the king and the princess Anne. He controlled her inclinations in the appointment of tutors to her son, the duke of Gloucester, and reluctantly yielded, for the sake of decency, to her choice of the inferior officers of his household.<sup>31</sup>

<sup>30</sup> Compare De Torey, vol. i. p. 26. with Kennet, vol. iii. n. 754.

<sup>31</sup> Burnet, 1698.

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XIX.

1698.

The  
whigs  
prevail in  
the elec-  
tions.

During the interval of parliament, William made a visit to Holland, where he devoted his time to important negotiations, the account of which I defer till the period when they transpired, and became the subject of public discussion.

In the competition for elections, the whigs were supported by the interest of the court, the new East India company, and the stock-holders, who now formed a very numerous and powerful party in the nation. The weight of the landed interest, on the side of the tories, was not sufficient to balance these advantages; and the majority in the new house of commons favoured the whigs.

The  
fourth  
parlia-  
ment  
meets.

Though the king had taken secret measures for preserving the peace of Europe, by the first partition treaty, yet he was sensible that the success of them, and the adherence of Lewis to the stipulations he had made, must depend upon the military force of England. This therefore was the principal object which he recommended to parliament, assembled for the dispatch of business on the ninth of December one thousand six hundred and ninety-eight.

The army  
farther  
reduced.

The commons immediately voted, that all the land forces, exceeding seven thousand, should be paid off and disbanded<sup>22</sup>; a measure not less mortifying to the king, than the language and arguments which accompanied every previous debate connected with it. His conduct in maintaining an army, contrary to the resolutions of last parliament, was severely censured: his attachment to the Dutch; his frequent visits to the continent; his predilection to a foreign interest, were arraigned with bitterness and acrimony. Intimidated by the violence of opposition, the

<sup>22</sup> Journ. Commons, 17th December.

friends of the king stood silent, and seemed to abandon him in the moment of extreme distress. His ministers were afraid to propose any scheme of mitigation or compromise. The censorious spirit of the debate was transfused into the resolution which the commons adopted; and it was determined, that the army should, for the future, consist entirely of his majesty's natural-born subjects<sup>33</sup>. After an hard struggle with pride and inclination, the king assumed a composed countenance, and gave his consent in person to the bill for disbanding the army<sup>34</sup>. The thanks which he received from both houses, for his acquiescence in this measure, encouraged him to prefer a modest, but earnest application to the commons, that some method might be devised for retaining the Dutch guards in his service<sup>35</sup>. This message only served to aggravate his mortification, and to enhance the triumph of opposition, by producing an address, which, under the form of an admonition, obliquely upbraided the king with the breach of his promise; for he was reminded of the words of his declaration, that all foreign troops should be sent back after the settlement of the government<sup>36</sup>. The disbanding the army might be considered as a patriotic measure by those who promoted it; but the refusal of any indulgence to the affections of the prince, when the object was natural and honourable, can only be imputed to the stubbornness and asperity of faction. The affront made a deep impression on his mind. Agitated at first by vexation and resentment, he resolved to aban-

CHAP  
XIX.  
1699.

<sup>33</sup> Journ. Commons, 17th Decembet.

<sup>34</sup> Burnet, 1698.

<sup>35</sup> Journ. Commons, 18th March.

<sup>36</sup> Ibid. 20th March.

**CHAP.** don the government of an ungrateful people, and  
**XIX.** to spend the remaining part of his life in Hol-  
 1699. land. The entreaties of his friends, and the  
 calm suggestions of reason, restrained the dic-  
 tates of passion, produced a prudent submission  
 to necessity, and saved the nation from confusion  
 and anarchy <sup>37</sup>.

The navy  
 augment-  
 ed.

The fears of those who agreed with the king, in thinking that England was too much exposed by the reduction of the army, were in some measure removed, by an augmentation of the naval establishment. Fifteen thousand seamen were voted for the service of the year, and the sum of one million four hundred and eighty-four thousand pounds was granted, in the course of this session, for the maintenance of the fleet, disbanding the army, and other expences of government <sup>38</sup>. This session of parliament ended on the fourth of May one thousand six hundred and ninety-nine.

Partial  
 change  
 of the mi-  
 nistry in  
 favour of  
 the tories.

The many evidences of the declining influence of the whigs, which had lately occurred, induced the king to transfer a considerable share of executive offices into the hands of the tories. The earl of Jersey was made secretary of state, in the room of the duke of Shrewsbury; the earl of Pembroke succeeded the duke of Leeds as president of the council, and lord Lonsdale the earl of Pembroke as privy seal; Mr. Montague, against whom the tories discovered great personal animosity, quitted the treasury, and was succeeded as chancellor of the exchequer by Mr. Smith, and as one of the lords of the treasury by

<sup>37</sup> Letter of king William to Heinsius, Hard. Col. vol. ii. p. 362. and note at bottom.

<sup>38</sup> Journ. Commons, 18th February, and March, April, passim.

Mr. Hill. This change of administration did not answer the king's expectation, by smoothing the current of public business. The zeal of the whigs for his service abated upon every concession to their antagonists, who grew more bold in opposition from the prospect of their approaching ascendancy.

The king met the second session of the fourth parliament on the sixteenth of November one thousand six hundred and ninety-nine. He began his speech with observing, that their common interest required a farther provision for the defence of the kingdom; and after recommending to the commons, to make good the deficiencies of the funds, and to discharge the debts contracted in the course of the war, he concluded with these words: "*Let us act with confidence in one another, which will not fail, by God's blessing, to make me an happy king, and you a great and flourishing people.*"

However unexceptionable these expressions, or the sentiment conveyed by them, yet they were made a handle of censure and reproach against the ministry. The commons, under the name of an address to the king, presented a remonstrance, complaining that it was their misfortune, that, after the ample provision made for his security, any mistrust of their affections should subsist; and that it would conduce to the *continuance and establishment of their mutual confidence*, if he would shew marks of displeasure towards all who misrepresented their proceedings<sup>39</sup>. This was a prelude to a more open and direct attack upon administration; with a view to which all the measures of opposition, in the course of this session, were concerted.

<sup>39</sup> Journ. Commons, 1st December.

CHAP. only overruled, but his honour was wounded, by  
 XIX. the rejection of a clause for reserving a third  
 11700. part of them to be bestowed by him, as the reward of eminent services to the nation. In order more effectually to prevent any opposition to this bill in the house of lords, it was consolidated with that of the supply for the fleet and army, and sent to the upper house at a late day of the session<sup>45</sup>. From these considerations, the king, though with reluctance, found it expedient to restrain the opposition which it encountered, from motives of personal respect to him; and confirmed it by his assent on the twenty-third of May.

The customary licence of political associations allows to every party, when it happens to be in opposition, a certain latitude in waywardness and contention, which it may indulge, without losing all credit for integrity and patriotism. If the measures, pursued in the course of this session, had been intended to produce no other effect, than to thwart the inclinations of the king, and to undermine the credit of his ministers, though perhaps in some instances they were neither strictly just nor expedient, yet would they not have brought upon the authors of them any deeper stain, than what is contracted almost by every party fretted with depression and disappointment. But when the violence of opposition precipitated them into a measure, which breathed the spirit of persecution, and entailed a lasting disgrace upon the British legislature, it cannot be recited, by any friend to liberty and his country, without unaffected detestation and abhorrence.

<sup>45</sup> Journ. Commons, 7th March, 2d April. Journ. Lords, 4th April. Lords' Debates, vol. ii. p. 15.



Such was the spirit and tendency of a bill, now introduced into the house of commons for preventing the growth of popery. It required, that all persons, educated in the Roman catholic religion or suspected to be of it, who succeeded to any estate, should take the oaths of allegiance and supremacy, and the test, as soon as they arrived at the age of eighteen; and if they did not, their estates were to devolve to the next protestant heir. All popish priests were to be banished, and adjudged to perpetual imprisonment if they should again return into England; and the reward of one hundred pounds was to be allowed to such persons as should discover and convict any of them <sup>46</sup>.

CHAP.  
XIX.  
1700.  
Severe  
act  
against  
Roman  
catholics.

An unfortunate coincidence of circumstances united persons, of different parties and sentiments, in the support of this bill: it passed unanimously in the house of commons, and by a great majority in the house of lords. The return of many Roman catholic priests into England, after the peace of Ryswick, and their imprudence, by appearing in public and attempting conversions, excited a jealousy of the king's having secretly consented to indulgences, inconsistent with the safety of the protestant religion. An apprehension of the growth of popery generally prevailed; and seemed to derive confirmation from facts, set forth in a petition to the commons, by the clergy of Lancaster, praying, that some effectual method might be used for preventing the insolent behaviour and attempts of popish priests <sup>47</sup>. The influence of Roman catholic proprietors, in

<sup>46</sup> Journ. Commons, 7th February; 12th and 14th March.  
Journ. Lords, 18th March,

<sup>47</sup> Ibid. Buract.

CHAP. the course of the late elections, had infused a  
 XIX. rancour into the breasts of individuals, against  
 1700. whom it had been exerted, which now discharged  
 itself under the mask of religious zeal. There  
 were a great many persons, in both houses, too  
 much disposed to espouse every measure calculated  
 to increase the uneasiness, and injure the reputa-  
 tion, of the king; and to such base purposes this  
 bill appeared excellently adapted. From the  
 warm and steady attachment of William to the  
 principles of toleration, they were persuaded that  
 he never would consent to a measure founded in  
 bigotry, and fraught with oppression. But should  
 it be obstructed by him, his principles would be  
 brought under suspicion; and he must forego all  
 the merit he had acquired as the saviour and  
 guardian of the protestant religion.

Reflec-  
 tions.

The embarrassed situation of the king, the ma-  
 lignity of his enemies, and the depression of his  
 spirits, all furnished matter of apology for his ac-  
 quiescing in this bill. But there is not any per-  
 son, moved by a just respect for his memory, and  
 the honour of Britain, who can hesitate to say  
 what he would have wished him to have done,  
 in this hard conflict between expediency and vir-  
 tue. Had he firmly withstood the spirit of per-  
 secution, at the hazard of his repose and his crown,  
 by using his negative to prevent a measure so  
 cruel to individuals, and so reproachful to the  
 legislature, he would have attained a lustre of  
 character, which, though intercepted by the pre-  
 judices of the times, must have been more per-  
 manent, than that which is acquired by the most  
 brilliant achievements of the general, or the  
 ablest negotiations of the statesman \*<sup>4</sup>.

the

\*<sup>4</sup> It is truly lamentable to observe, how much the spirit  
 of party often contradicts the pure decisions of cool judgment,

1700.

The interest of the whigs, it has been observed, had been declining since the end of the war, and the king had been persuaded to bring many of the tories into office after the adjournment of parliament. From the general tenor of the measures pursued in the course of the second session, it did not appear, that administration had acquired any accession of vigour, or the king any additional influence, from the experiment so far as it extended. The tories now found a favourable opportunity for pushing their pretensions to the exclusive possession of ministerial offices. Though the resumption of the Irish forfeitures, in the first instance, infringed the influence and wounded the honour of the king, yet the interest of particular members of administration was also deeply affected by it, and other measures of opposition were directly levelled against the leaders of the whigs. Lord Somers was particularly the object of resentment, and often attacked by the motions of the tories in the house of commons<sup>49</sup>. Hence it was plausible to ascribe the contentious opposition, of which the king complained, to an aversion for his ministers,

Address  
and in-  
fluence of  
the tories  
for pre-  
vailing  
with the  
king to  
bring  
them into  
power.

and counteracts the generous feelings of the heart. Bishop Burnet, who glories in being the friend of toleration, and who, as often as he has occasion to deliver his sentiments upon that subject, attains to an elevation of mind superior to the age in which he lived, yet, in the discussion of this bill in the house of lords, he defended it, not only on the grounds of expediency, but justice. Burnet, 1699.

<sup>49</sup> Lord Somers had attracted the personal resentment of the tories more than any of his partners in administration, because he had advised the king to turn out of the commission of the peace those persons, who refused to sign the association occasioned by the conspiracy against him in the year 1696. Many of the tories were excluded and the dissenters brought in.

and

**CHAP.** and to represent to him, that if he could be prevailed upon to dismiss them, his affairs would be carried on with smoothness and success <sup>30</sup>. The tories were fortunate in urging these representations by such agents, as, from their private connexions and political interests, entered into them with zeal; while their personal favour with the king disposed him to listen to them with a favourable ear. The earl of Albemarle, the earl of Jersey, brother to lady Orkney, and lord Sunderland, who made all parties by turns the dupes of his intrigues, concurred with the tories to bend the inclinations of the king to a change of administration <sup>31</sup>.

Lord Somers removed from administration.

Their assiduous application, under the pretext of anxiety for his interest, brought the king, after much agitation, to adopt the resolution of removing lord Somers from his councils. No minister, in the whole course of his reign, served him with more invariable attachment, and with greater ability and faithfulness, than lord Somers had done. A grateful sense of his services made the king desirous of dismissing him in the most delicate manner, and of making his retirement appear to be the effect of his own choice. A manly respect to his reputation, fortified by integrity, as well as a regard to the interest of his party, rendered him obstinate against repeated importunities to consent to a voluntary resignation, lest it should be imputed to the impulse of fear, or the consciousness of guilt. Lord Jersey was at length sent to him to demand the seals, and they were surrendered with complacency into

<sup>30</sup> Burnet, 1700.

<sup>31</sup> Hardwicke's Collection, vol. ii. p. 439. Cunningham's History, vol. i. p. 183.

his hands. William afterwards discovered great compunction for this sacrifice, which he made to gratify a party, and lamented it at the close of his life <sup>52</sup>.

CHAP.  
XIX.  
1700.

The removal of Somers was all the tories could obtain before the king's departure to Holland. He was probably still determined to adhere to his plan, of mixing parties, and of maintaining the superiority of the whigs. Two events occurred, during the recess of parliament, which introduced a material change into the political state of England, and rendered it expedient, if not necessary, to throw the administration entirely into the hands of the tories.

4th July.  
Events  
contribu-  
ing to a  
complete  
change of  
ministry.

By the death of the duke of Gloucester, the protestant interest was exposed to new dangers; for as he was the last protestant heir in the act of settlement, so his relation to the exiled family, his birth within the kingdom, and his talents, which were promising, united the attachment of every party, and ensured his peaceable accession, at some future day, to the throne of England. To those, who disinterestedly consulted the safety of the constitution, it appeared of the highest importance, that the entail of the crown should be extended in the protestant line, and that this should be done without loss of time, before the affections of the people began to fix upon another successor, or such political confederacies to be formed, as might afterwards prove too stubborn to yield to the authority of a statute, or the true welfare of the nation. Such an extension of the act of settlement was agreeable to the principles of the whigs, and was their professed desire. It was impossible for them to withhold their concurrence with it,

Death of  
the duke  
of Glou-  
cester,  
29th July.

The im-  
portance  
of extend-  
ing the  
protestant  
succession.

<sup>52</sup> Cunningham's History, vol. i. p. 252.

CHAP. when it should come under the discussion of parlia-  
 XIX. ment, without being for ever infamous for incon-  
 1700. sistency and treachery. Though an opposition to  
 the protestant succession might have been expected  
 from the tories out of power, the whigs seem to  
 have been justly entitled to the honour of conduct-  
 ing a political transaction, which was consonant to  
 their principles, and necessary to the preservation  
 of that fabric of government which they had  
 erected. There is reason, however, to believe,  
 that the whigs, who were barely a match for the  
 tories in any question affecting their political com-  
 petition, would never have been able to carry a  
 measure of the highest national consequence, in  
 opposition to their antagonists seconded by the re-  
 publican party, which wished that the succession  
 might remain indeterminate and controverted.  
 For breaking the joint force of the tories and re-  
 publicans, no expedient seemed more effectual,  
 than to devolve the reins of government into the  
 hands of the former. Whatever measures their  
 prejudices might incline them to pursue, yet,  
 when they came into office, the patronising the  
 protestant succession would be found necessary to  
 gratify the desire of the nation, and to retain the  
 power they had acquired.

The state  
 of foreign  
 politics.

A change in foreign politics co-operated, with  
 domestic events, to render the present state of En-  
 gland eminently critical, and to recommend the  
 plan of conciliating that party, which might be  
 expected to thwart the progress of the most urgent  
 business. The death of the king of Spain could  
 not fail, in one way or other, to increase the  
 power of France. The only question was, What  
 might be the most effectual method of rendering  
 it as little as possible conducive to that effect? Def-  
 pairing

pairing of his ability to restrain the ambition of Lewis by the awe of war, in the present temper of the English, William had entered into a treaty for dividing the territories of the Spanish monarch in such a manner, as seemed most effectual to diminish the advantages, accruing to France from his demise. To this treaty the principal members of the whig administration had been privy, and it was intended by the tories to render it the basis of their crimination.<sup>53</sup> But under what colour of argument could this be done?—not, surely, because it had yielded too little to France. Such a charge would have been an outrage to the prejudices of the people, and would have redounded upon those who brought it forward. It was asserted, that it had yielded too much; that the king and his ministers had been over-reached by Lewis; and that the interest of the empire, of the States, and of England, were betrayed.

The juncture of events gave new force to these objections, and put to the test the sincerity of the persons who urged them. The king of Spain died, and left a will, bequeathing his whole dominions to the duke of Anjou, second son of the Dauphin. By accepting the will in behalf of his grandson, Lewis dissolved the restrictions to which he had consented by the partition treaty. Those, who had censured the treaty, could not consistently contend for bringing him back to the performance of engagements contracted by it, and far less could they acquiesce in the transcendent and more dangerous augmentation of power, transferred to him by the testament of Charles.

It was evident, that, if the spirit of these arguments were pursued, they must terminate in de-

C H A P.  
XIX.  
1700.

<sup>53</sup> See Chapter XX.

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mands and proposals, which could not be obtained by the influence of negotiation, or any bloodless means of coercion. Though the king was convinced, in his own mind, of the inevitable necessity of a war with France, in order to establish such limitations of her power as were essential to the independence of Europe, yet he wished that the motion for it might originate with his people, and receive the approbation of every party. As a war, carried on with unanimity, could alone answer the purpose for which it was undertaken, so it was only by assigning to the Tories the principal departments of administration, that he could hope to accomplish this object. The considerations and circumstances recited fully explain the motives, which induced the king to prefer the Tories after the second session of his fourth parliament.

Dissolution of the fourth parliament, 20th Nov.

The first measure he adopted, by the advice of his new ministers, was a dissolution of parliament, by which they hoped to obtain such a majority of the representatives as would give stability to their victory over the Whigs<sup>24</sup>.

<sup>24</sup> Before the meeting of the next parliament, lord Tankerville was made privy seal; Sir Charles Hedges, secretary of state; lord Godolphin, first lord of the treasury; and lord Rochester, lord lieutenant of Ireland. The last of these had now a great sway over the counsels of the king.



## C H A P. XX.

*Expectations of Lewis from the Succession of Spain,---for-  
 seen with Anxiety by the Confederates.---Circumstances  
 which inclined Lewis and William to enter into Treaty.---  
 First Partition Treaty,---proves abortive by the Death  
 of the electoral Prince of Bavaria,---Second Partition  
 Treaty.---The Sentiments and Wishes of that Nation be-  
 come more favourable to Lewis.---Death and Will of the  
 King of Spain.---The French King accepts the Will;---his  
 Reasons for it.---He takes Measures for establishing his  
 Grandson on the Throne of Spain.---The fifth Parliament  
 meets.---The Whigs and the Tories reciprocally upbraid each  
 other with Corruption.---Embarrassment of William.---  
 Events favourable to his political Designs.---A Letter from  
 Lord Melfort communicated to Parliament.---Effects of it  
 upon the Temper of the People, and upon the Parlia-  
 ment.---Extension of the Act of Settlement.---Observations.  
 ---The Partition Treaty unpopular,---and censured by both  
 Houses of Parliament.---Violence,---and Partiality of the  
 Commons in their Proceedings with respect to the Partition  
 Treaty.---The Lords offended at the Commons.---The Peo-  
 ple offended.---Kentish Petition.---Parliament prorogued.---  
 William acknowledges the King of Spain.---Reasons for his  
 doing so.---Resolutions of the Commons favourable to the  
 King's Views.---The Nation impatient for War.---The  
 King makes Preparation for it.---The grand Alliance.---  
 The Heat and Emulation of Parties render the People more  
 anxious*

*anxious for War.—Death of James.—His Son acknowledged by the French King,—which is resented by every Party in England,—and fatal to the Hopes of the Pretender.—Reasons for the King changing his Ministers and calling a new Parliament.—The sixth Parliament of William meets.—Supplies granted.—Bills for attainting and abjuring the Pretender.—Vicissitudes in the political Sentiments of the Nation since the Peace of Ryswick.—The Wishes of the King gratified.—His Death.*

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**H**AVING mentioned the partition treaty, it becomes necessary to give a more circumstantial account of that transaction, not only to support the observations already made, but to explain the measures referring to it, which form so considerable a part of the history of the succeeding parliament.

Expectations of Lewis from the succession of Spain.

We have already seen, that the exorbitant ambition of Lewis was the cause of alarm to all the princes of Europe, and the motive of their union in the league of Augsburgh. The undisguised efforts of that ambition upon the provinces of Spain, Holland, and the empire, excited indignation and resistance, which disappointed his success. The extension of power and territory, which he expected to derive from the Spanish succession, carried a more threatening aspect to the liberties of Europe, not only on account of the superior magnitude of the object, but also on account of its being palliated with the specious colours of natural right and justice. The languishing health of Charles the second of Spain portended a short life, and cut off every hope of heirs from his body. The Dauphin, who was the son of Maria Teresa, eldest daughter of Philip the fourth, stood first in the claim of lineal succession to the throne of

Spain, upon the failure of male issue. By the solemn renunciation of Maria Teresa, and of her husband Lewis the fourteenth, ratified in the parliament of Paris, and by the testament of Philip the fourth, the succession of their issue to the kingdom of Spain was set aside <sup>1</sup>. By these several deeds the descendants of Margaret, daughter of Philip the fourth by a second marriage, were established the lawful heirs of the crown and dominions of Spain. Margaret was married to the emperor Leopold, by whom she had a daughter, who was the wife of the elector of Bavaria; so that the princess, and the electoral prince her son, on the failure of issue in Charles the second, according to the will of Philip, and the renunciation of Lewis, were the immediate heirs of the crown of Spain. The emperor stood next to his daughter and grandson upon the right of consanguinity to the royal family <sup>2</sup>.

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As the claim of succession, founded on lineal descent, is the most obvious and natural, and as Lewis was not likely, notwithstanding his oath, to part with such an effectual instrument for aggrandising his family, the members of the confederacy looked forward with anxious forebodings to the death of Charles. From his declining health, that event was expected to happen during the continuance of the war; and it was hoped, that the united force of the confederate

foreseen  
with  
anxiety  
by the  
confederacy.

<sup>1</sup> Variations de la Monarchie Française, tom. iv. p. 216, 217. Notwithstanding Lewis XIV. having abjured all claim to the Spanish succession, yet it is asserted, that his affections were early directed towards that object, and that his marriage with the eldest daughter of Philip IV. was suggested by Mazarene, as a safer and more certain method of gratifying his ambition, than war, or an open invasion of the territories of Spain, which would have alarmed all Europe. Cunningham, vol. i. p. 4.

<sup>2</sup> Torcy, vol. i. 1697.

powers,

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Circum-  
stances  
which in-  
clined  
Lewis  
and Willi-  
am to en-  
ter into  
treaty.

powers, in the scene and habit of action, would over-awe Lewis, and prevent his violating the will of his father-in-law, and his own engagements. The dread of his ambition, if the Spanish succession should open, after the powers interested in opposing him were separated and disarmed, rendered the emperor more backward in consenting to the peace of Ryswick; nor can we suppose, that the king of England, the States, and the princes of Germany, were indifferent to an event of such general importance to Europe<sup>1</sup>.

However aspiring and faithless the French king might be, and however specious his claim of succession to an ancient and extensive kingdom, yet the jealousy of the European princes, and the condition of his own subjects, impoverished and depopulated by the late war, raised insuperable obstructions to his hopes of obtaining, for his own family, the entire power, and the undivided property, of the Spanish monarchy. On the other side, William, well aware of the usurping spirit of his rival, and desirous to prevent the smallest increase of his power, was secretly mortified, upon finding himself incapable of acting agreeably to the wishes of his heart, and the dictates of sound policy. From his late experience of the temper of the English nation, from the precipitancy with which all parties demanded the reduction of the army, and their growing aversion to foreign connexions, he could entertain but little prospect of forming immediate alliances upon the continent, or of obtaining, from his parliament, supplies of money and troops for maintaining a successful opposition

<sup>1</sup> Torcy, vol. i. 1697.

to the pretensions of Lewis, upon the event of a CHAP.  
vacancy in the throne of Spain \*.

EX.

From 1698.

\* The following expressions in William's letters to the pensionary Heinsius, strongly indicate his apprehensions of the ambition of Lewis, his uneasiness from the present temper of the English, and his motives and views for entering into the partition treaty.

"I find your thoughts entirely occupied with the great storm which seems to hang over our heads, by the likelihood of the king of Spain's death. I think you perfectly comprehend this affair, and I should conform myself also thereto. I only wish my power was such as that I could properly second your hearty sentiments. As far as I can penetrate into the opinions of most people here, there seems so great an aversion to fall again into war at present, that, should France make any kind of plausible proposals of accommodation, they will here be inclined to accept them, without considering much the security of them; so that, in case a war is to be the upset of this business, I must take my measures so as to bring the nation insensibly into it." Lord Hardwicke's Collection of State Papers, vol. ii. p. 340.

"I find people begin here more and more to fear the death of the king of Spain, being persuaded that it will draw on a war, to which they, in that case, seem resolved; but would contribute little or nothing except to the marine, and leave the war by land to the republic and the other allies, which they would not carry through; though, on the other hand, I see no likelihood of bringing the parliament to give money sufficient to keep so considerable a body of troops in the Spanish Netherlands, as I had the last war; and without that I see no possibility of defending them." Ibid. p. 342.

"As the affair now stands, I think it lucky that we have no farther engagement with the emperor about the succession; and it is questionable whether the grand alliance subsists or not; for I am much afraid, that, in case the king of Spain should now happen to die suddenly, we should be obliged to come to an accommodation, as I do not see how, in the present situation, we should soon be able to put ourselves in a condition to withstand the too great power of France." Ibid. p. 343.

"I confess, that, every thing considered, it is very questionable which alternative to chuse, and to negotiate farther thereon; but this is beyond a doubt, that when these offers of France are public in England and Holland, it will be difficult to get them to consent to a war, in case the king of Spain should happen

**CHAP. XX.** From the influence of these circumstances and motives, two princes, of opposite interests and affections, were moulded into the temper of concession and treaty. It was expedient for William to consent to the augmentation of the power of France in a certain degree, that he might prevent the farther augmentation of it; it was the interest of Lewis, to restrain the fond propensions of his ambitious spirit, and to realise somewhat upon terms of compromise, rather than to hazard, not only the loss of new and substantial acquisitions, but the interruption of his domestic tranquillity, and the ruin of his native dominions, by the precarious fortune of war.

**First partition treaty.** In the spirit of these arguments, general overtures, for a treaty about the succession of the Spanish empire, originated with the court of France, and were first proposed by Messrs. Pomponne and Torcy, in the name of their master, to the earl of Portland, the English ambassador at Paris. Count Tolland afterwards made proposals on the same subject to king William, and Monsieur Bonrepos to the States at the Hague, and even specified the particular conditions, upon which their master was disposed to enter into a treaty for divid-

**March.**

**April.**

*"happen to die now, so that measures must be taken in consequence."*  
Ibid. p. 347.

"Agreeably to this constitution, it is impossible to get the parliament to consent to grant any money on an uncertainty, or for a future time; so that I can do nothing relative to that, and God knows whether I shall not be obliged to reduce more troops, conformably to the first idea of parliament." Ibid.

<sup>s</sup> Hardwicke's Collections, vol. ii. p. 335. 342.

ing the dominions of Spain <sup>6</sup>. When these were more fully digested and reduced to form, the king communicated them to secretary Vernon by the earl of Portland, and he wrote a letter with his own hand to lord Somers, desiring his opinion and advice upon the subject of them. It is, however, material to observe, that, as the treaty was signed in the name of William, before he received lord Somers's answer, this measure could not be ascribed to the influence of that nobleman, nor to those with whom he consulted upon his having received the king's letter <sup>7</sup>.

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1698.  
5th Aug.

Though

<sup>6</sup> From a critical perusal of the several letters which were written by king William to Pensionary Heinsius, upon the subject of the partition treaty, it evidently appears, that the proposal of it came from Lewis. Hardwicke's Collections, vol. ii. p. 333-4-5, 342. That William entered into it with diffidence, and proceeded with the most cautious steps, and that he was well aware of the inconveniences and dangers which attended it; but that these were outweighed by a conviction of the importance of the advantages, which England and Holland would probably derive from it: that in no stage of the business was he ever surprised or over-reached by the craftiness of Lewis; a reproach, which some of his friends, ignorant of the vouchers lately published with respect to that transaction, have too hastily admitted. Ibid. p. 339. line 12. p. 341. l. 19. p. 361. l. 16. &c. To sum up all, in the concise and judicious remark of lord Hardwicke, who has favoured the world with the publication of these letters: "Though the partition treaty ended unfortunately, and displeased all parties, the disinterested and upright intentions of king William, in promoting it, are sufficiently apparent from these papers. Strong sense, and an extensive view of the interests of Europe, particularly those of the countries he governed, are no less discernible, and will do honour to the memory of a prince, who, with all his defects, deserves the veneration of every good Englishman." Hardwicke's Collections, vol. ii. p. 333.

<sup>7</sup> The treaty was signed on the 10th of August 1698. Lord Somers's letter was dated on the 28th of August. The subject of the treaty was communicated by lord Somers to the duke of Shrewsbury, lord Oxford, Mr. Montague, and Mr. Vernon;  
so

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Proves  
abortive  
by the  
death of  
the electo-  
ral prince  
of Bavaria.  
8th Feb.  
1699.

Though this treaty proved abortive, by the premature death of the electoral prince of Bavaria, yet every motive, which induced the contracting powers to agree to it, still subsisted, and derived additional force from the political situation of France and England. The vigilance and impetuosity of the queen of Spain, in support of the claim of her brother the emperor, operated, with visible success, upon the temper and counsels of her husband. While the Germans were admitted into Catalonia, that they might have the advantage of being upon the spot when the throne of Spain should become vacant, the French ambassador was hardly permitted to converse with the ministers upon business; and was coldly received by the nobility and attendants of the court. The strong disgust, entertained against Lewis, was aggravated by the news of the partition treaty, which was a mortification to the feeling, and an insult to the authority, of the Spanish monarch. In such circumstances, it would have been in vain to have entered into competition with the emperor, for the favour of that court, or the future succession to that kingdom \*. At the same period, the discontents of the English nation, the unpopularity of the king, and the turbulent spirit of his parlia-

so that lord Somers's letter, in answer to king William's, may be considered as containing their joint sentiments.

The principal articles of the first partition treaty were, that the kingdom of Naples and Sicily, with all the places depending upon the Spanish monarchy situated on the coast of Tuscany, or the adjacent isles; and likewise all places on the French side of the Pyrenees, or the other mountains of Navarre, Olaza, Biscay, on the other side of the province of Guipulcoa, should be given to the dauphin, in consideration of his right. That the crown of Spain, and all the other provinces belonging to it, should descend to the electoral prince of Bavaria.

\* Torcy, vol. i. 1698.

men,



ment, were still increasing. Not only the army, CHAP.  
 but the naval establishment was reduced: The in-  
 ternal influence of the crown, and the personal  
 authority of William, were diminished by that  
 freedom of speech, with which his conduct and  
 measures were censured by the opposition in the  
 house of commons; while, in the course of de-  
 bates in both houses, the name of Lewis began to  
 be introduced with great respect; and some did  
 not scruple to declare it as their opinion, that it  
 was a matter of indifference to England, whether  
 a French or German prince should fill the throne  
 of Spain<sup>9</sup>. Whatever might be the case with re-  
 gard to England, yet, certainly, with Holland  
 the alternative was widely different; and her inter-  
 est, as might be expected, strongly influenced the  
 resolutions and measures of William. A second  
 partition treaty was therefore set on foot, soon  
 after the death of the electoral prince of Bavaria;  
 and though retarded by the irresolute, dilatory con-  
 duct of the emperor, who resisted every invitation  
 to have any part in it, was at last signed by Lewis,  
 William, and the States<sup>10</sup>. Second  
partition  
treaty.

The French king, we may believe from the cir-  
 cumstances above mentioned, was no less sincere

<sup>9</sup> Tindal, vol. iv. p. 63.

<sup>10</sup> This treaty was signed at London on the 21st of February, and at the Hague 25th March, 1700. By it the kingdom of Naples and Sicily was given to the dauphin, and also the islands upon the Italian coast belonging to Spain, the city and marquisate of Final, and the province of Guipuscoa. The duchies of Lorrain and Barr were also to be adjoined to the kingdom of France, for which the duke of Lorrain was to receive Milan. The archduke Charles was to be heir to the kingdom of Spain and all the provinces belonging to it, out of, and in Europe, with the exceptions above mentioned. Three months were allowed for the emperor to accede to this treaty. The earnest desire of Lewis for obtaining Lorrain, seems to have been the cause of his consenting to raise a son of the emperor to the throne of Spain. Hardwicke's Col. vol. ii. p. 366.

CHAP. in this second treaty, than he had been in the first.

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It was impossible to render effectual the succession of the dauphin, or any of his family, in opposition to the will of Philip the fourth, enforced by England, Holland, and the Empire. So anxious was Lewis to accomplish this treaty, that he expressed great impatience upon William's delaying his signature; and, instead of forming any scheme to over-reach him, was uneasy lest he should recede from the terms already agreed to. It is true, at the same time, that the former, familiarised to double dealing, though he solicited this treaty with the purpose of adhering to it, wished to make it the instrument of a separation between England and Germany; but this crafty design did not escape the alert penetration of William, who guarded against it with the wisest precaution. After this treaty was signed, a combination of circumstances reconciled the inclinations of the court and the people of Spain to the succession of a son of France, and awakened the ambition of Lewis; while, at the same time, they undoubtedly tended to extenuate, if not to remove, the charge of his injustice and treachery, in departing from the treaty.

"The caution and penetration of William appear from the following expressions in his letters to Heinsius:

"The greatest hardship that appears to me in this business, is, the little reliance to be made on engagements with France; and her power will be thereby so much the more considerable, that she will be at liberty to pay just as much regard to the treaties as may suit her convenience, of which we have had too much experience." April 1, 1698. Hardwicke's Col. vol. ii. p. 339.

"I am entirely of your opinion, that this intended answer of France is only, by making the negociation public, to press us so much the more to a conclusion, without the emperor's intervention; and that France's present object, according to my judgment, is to separate us by that means from that party." Sept. 19, 1699. Ibid. p. 378.

The

The news of the second partition treaty excited a general indignation among the Spaniards. The king was enraged at the contempt and indignity thrown upon him, by the interference of those princes, who had presumed to divide and parcel his dominions, as appeared most convenient for themselves, without his advice or participation. Every subject of Spain felt the shame of conscious degradation, in the approaching maiming and breaking of that empire, of which he was a member. Under this impression, the claim, founded upon lineal descent, became more striking and forcible, while wills and renunciations appeared violent infractions of the rights of nature, and the rules of succession adopted by every civilized state. The preservation of the balance of power, the only apology for the officious interposition of foreign states, was a principle too refined for popular apprehension; and the consequences of it but little interesting to those, who, however much the security of other governments might be advanced by the treaty, were themselves to sink in the scale of empire. Superiority of strength concurred, with the claim of right, to make the subjects of Spain wish for the alliance of France; and in proportion as that power had been formidable when directed against them, it appeared a more desirable source of protection, and the more capable of averting the disgrace and ruin, with which they were threatened. The guilt of Lewis, in being accessory to this treaty, was alleviated by the moderation he discovered, in controlling those ample claims which he was entitled to prefer, under the right of lineal inheritance, and by the rules of common justice. From such views, and the feelings which they excited, the resentment of Spain

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General  
indignation  
in Spain  
upon hearing  
of the  
partition  
treaty.The senti-  
ments and  
wishes of  
that nation  
become  
more fa-  
vourable  
to Lewis.

C H A P. Spain was gradually withdrawn from France, and transferred entirely to England and Holland<sup>12</sup>.

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In the mean while, the count Harrach, the ambassador of the emperor at Madrid, talked of the partition treaty in a manner that was not less offensive to the court, than if the emperor had been actually concerned in it. He complained of the injury done to the archduke, and announced threats of revenge, as if that prince had been already seated upon the throne of Spain<sup>13</sup>. The queen became now more cold and reserved to the Germans; their interest declined apace, and the merit, which the emperor expected to derive from keeping aloof from the treaty, was effaced by his confident and indelicate anticipation of the crown, and the haughty demeanour of his ambassador. The overbearing manners of the Germans in Catalonia became every day more disgusting to the people; and, at last, excited a general aversion from any nearer alliance with a nation, whose insolence and oppression, it was to be feared, would grow intolerable, should one of their princes be exalted to the throne. The council, the nobility, the church, and the lawyers, at length all united in recommending a preference to the claim of France, as most consonant to natural justice, and most likely to preserve the unity, the dignity, and the peace, of the Spanish empire. The distress of the king, arising from bodily infirmity and disease, was daily increased by the emotions of fear, anger, resentment, and the fluctuating resolutions of a weak and disturbed mind. It seemed impossible, by any destination of his dominions, to gratify all the different resentments which the treaty excited;

<sup>12</sup> Torcy, vol. i. 1699.

<sup>13</sup> Ibid.

and to unite the inclinations of his people, the desire of his queen, and the future glory of his dominions. He consulted theologians, civilians, the nearest relations of the royal family; but still remained wavering and undetermined. A predominant superstition, augmented by the near and awful prospect of death, disposed him to indulge the hope of obtaining mental repose, perhaps, of providing some stock of merit, by surrendering his will to the dictates of the highest sacred authority. He consulted pope Innocent the Twelfth, who prudently gave his sanction to that destination of the territories of Spain, which ensured approbation and success, from the support of all classes of men in that kingdom, and which was most likely to enlarge his ecclesiastical domination <sup>14</sup>. Death and Charles the Second of Spain made a will, on the second of October one thousand seven hundred, bequeathing his whole dominions to the duke of Anjou, second son of the Dauphin, and died on the first of November following.

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1700.

The king of France, with a prudish indifference, affected to hesitate about accepting the will, and at last professed to refer himself to the uninfluenced advice of his council. Independent of such authority, there were not wanting specious arguments for accepting it, and such as certainly rendered the conduct of Lewis, in this affair, more excusable, than if the sole alternative had been his adherence to the partition treaty. But this was not the case. The professed object of the treaty was to maintain the balance of power among the western kingdoms of Europe; and to establish their present peace and future independence. By a clause in the king of Spain's will, the treaty

will of the  
king of  
Spain.

16th Nov.

The  
French  
king  
accepts the  
will.

His rea-

sons for it.

<sup>14</sup> Torcy, vol. ii. 16, 9, 1700.

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partition was rendered inadequate to this end, unless it had obtained the concurrence of the emperor. For it was expressly provided, that, if the king of France declined to take advantage of the will in behalf of his grandson, the dominions of Spain, undivided, should descend to the archduke Charles, the second son of Leopold. As he had not acceded to the treaty, there was no bar to his claiming the benefit of the will to his family; and such a claim was incompatible with the plan and articles of the treaty. The balance of power, it was observed, would be overset by such an addition of territory to the house of Austria: whereas it was asserted, that it would not be moved by the succession of the duke of Anjou, whose family, in the course of a few years, naturalized in Spain, would grow as indifferent to the peculiar interests of France, as if not a drop of the blood of Bourbon had flowed in their veins. The question now assumed a different form; it was not, whether the will of the king of Spain, or the partition treaty, should take place? But it was, whether the archduke Charles, or the duke of Anjou, should succeed to the crown and the entire empire of Spain? None of the princes of Europe, except the king of Portugal and the duke of Lorrain, had acceded to the treaty; and therefore were not bound to enforce the observance of it, if the parties more immediately concerned should disagree. Considering the irreconcilable politics of the princes, nearly or remotely interested in the Spanish succession, war seemed to be unavoidable; and the only alternative, left to the choice of France, was, whether she would adhere to the will, assisted by the whole force of Spain, in case it should be controverted or opposed by other powers; or whether she would fight against the emperor and Spain united, for,

compara-

comparatively, a small portion of territory. Thus, when the merits of the cause were impartially discussed, it appeared, that there was will against will; but the natural and inextinguishable claim of hereditary right was entirely on the side of France. Lewis even boasted of his moderation in renouncing the treaty, by which his own dominions would have been extended, rather than to occasion a war, which would involve all Europe in horror and desolation <sup>15</sup>.

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1700.

Such was the substance of the arguments and expostulations contained in the memorials, transmitted by Lewis and his grandson to the several courts of Europe. The emperor declared both against the treaty and the will: the States General remonstrated against the measures taken by France, for carrying the will into execution; and declined, at first, to acknowledge the duke of Anjou as king of Spain, under the pretext of consulting the several provinces and cities united with them. To the king of England alone, no immediate notification was made of the accession of the duke of Anjou to the throne of Spain, as if it had been intended to detach the States from his counsels, and to remove the opportunity of his interference, which they knew would prove adverse to their wishes <sup>16</sup>.

In the mean time, the preparations and measures of the court of France, for establishing the duke of Anjou on the throne of Spain, were carried on with expedition and vigour, and became every day more formidable to their neighbours.

He takes measures for establishing his grandson on the throne of Spain.

<sup>15</sup> Memorial for his Christian Majesty, 4th Dec. 1700. Somers's Collection, vol. viii. p. 275.

<sup>16</sup> Some historians impute this omission to the desire of the new king of Spain, who, in the zeal of his friendship for James, had promised that he never would acknowledge any other king of England. Burnet, 1701.

CHAP. XX. The new king left France with a splendid retinue, and entered into his dominions on the fourth of December one thousand seven hundred. The troops of France were introduced into the Spanish garrisons in the Netherlands and Italy; and her fleets were sent to Cadiz and the West Indies. Lewis entered into treaties with the king of Portugal, the duke of Savoy, the duke of Mantua, and several of the princes in Germany<sup>17</sup>. He chastised the Dutch for their indetermined conduct, by making prisoners of all their troops, which were stationed in the garrisons of the Spanish Netherlands<sup>18</sup>. Unprepared for war, while they were threatened with an immediate invasion by the united forces of two potent kingdoms, the States were compelled to adopt the resolution of writing a letter to Lewis, acknowledging his grandson king of Spain<sup>19</sup>.

The fifth  
parliament  
meets.

1701.

Such was the state of Europe at opening the fifth parliament of William, on the tenth day of February one thousand seven hundred and one<sup>20</sup>.

<sup>17</sup> Torcy, vol. i. 1700.

<sup>18</sup> The States, after the peace of Ryswick, were permitted to keep possession of some of the Spanish towns in Flanders, for a considerable debt which the crown owed them. The king of France offered to the council of Spain to pay the money, that they might be freed from the Dutch troops.

<sup>19</sup> Cole, Burnet, 1701.

<sup>20</sup> The commons made choice of Mr. Harley to be the speaker, which was considered an evidence of his being entirely devoted to the interests of the Tories. He was descended from a family which had been eminent among the Presbyterians, was educated in that religion, and originally connected with the Whigs, who imputed his desertion to ambition, because they thought he was not enough considered by them. Tindal, v. iv. p. 181.

Mr. Harley acknowledges himself to have been originally a Whig, and to have gone over to the Tories, because the Whigs had deserted the principles which they professed, and the Tories had assumed them. Faule on both Sides. Somers' Collections, v. xv. p. 291.



I have entered more minutely into the circumstances of the partition treaty, not only on account of its connexion with the interior policy of England at that period, but on account of its giving rise to a war, the most extensive and interesting; and producing political associations, which still continue materially to affect the condition of our own country, and of foreign states.

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1701.

The first proceedings of parliament afforded matter of reciprocal invective and crimination. The whigs were accused with new inventions of bribery, and the grossest acts of corruption; while they complained, in their turn, that a partial majority overlooked evidence, which would have fixed the guilt, maliciously imputed to them, upon their adversaries; and, in order to express their derision of the affected purity of the tories, it was remarked, that sir Edward Seymour, who had himself superintended corruption under different princes, and in succeeding parliaments, was now the most active instrument in exposing it; and received the thanks of the house for his services <sup>21</sup>.

The whigs  
and the  
tories re-  
ciprocally  
upbraid  
each other  
with cor-  
ruption.

Some of the whig historians have asserted, that a design was formed by the tories to open the business, in the house of commons, with an address to the king, praying him to acknowledge the duke of Anjou as rightful king of Spain <sup>22</sup>. Distrustful, however, of the information of party, we ought to found our opinions upon facts which cannot deceive. Relying upon them, we shall find somewhat to commend, and enough to censure, in the conduct of the tories during this session of parliament, without adopting either the extravagant panegyrics of their friends, or the unfounded suspicions suggested by their antago-

<sup>21</sup> Ralph, vol. ii. p. 926.

<sup>22</sup> Burnet, Tindal.

CHAP. nists. Fortunate, however, they certainly were,  
 XX. in being placed at the helm of power, when they  
 1701. enjoyed the opportunity of prosecuting measures,  
 which essentially contributed to the prosperity of  
 their country, at that period, and in future ages;  
 and which, perhaps, they could not have neglected,  
 without losing for ever all credit for fidelity  
 and patriotism.

The king mentioned the death of the duke of Gloucester in his speech to parliament, and recommended in general such measures as would be most conducive to the interest and safety of England, the preservation of the protestant religion, and the peace of Europe. The commons, in their address to the throne, promised to take such measures as might best conduce to the objects recommended by his majesty. A division took place upon the article relative to the peace of Europe; but it was carried by a considerable majority<sup>23</sup>.

Embar-  
 rassment  
 of William

William had now a difficult part to act. He was secretly provoked at the violation of the partition treaty: he dreaded, more than ever, the enlargement of the power of France by the accession of the Spanish monarchy; and he was persuaded, that the only method of preventing this, was a new league between England, the Empire and the States. To the few to whom he could safely unbosom himself, he did not scruple to express his solicitude about obtaining the consent of the British parliament to a war<sup>24</sup>. But  
 such

<sup>23</sup> Journ. Commons, 14th February.

<sup>24</sup> "It is the utmost mortification to me in this important  
 "affair, that I cannot act with the vigour which is requisite,  
 "and set a good example; but the republic must do it, and I  
 "will engage people here, by a prudent conduct, by degrees,  
 "and without their perceiving it."

such was his experience of the humour of the nation, and his distrust of every party, that an open declaration of his opinion would only have tended to obstruct his purpose. He affected therefore, at this time, an indifference with respect to public measures, rather discouraging to his best friends, who began to think, that indolence, increasing with bodily infirmity, and the repeated affronts he had received from opposition, had at length wearied out his active spirit, and extinguished that patriotic flame, which had formerly signalized his character and captivated the admiration of Europe<sup>25</sup>. The patriotic flame, though covered for a season, still burned with unabated ardour, and his active spirit, though restrained by the dictates of prudence, was ready to shew itself upon the first opportunity of useful exertion. Having often experienced unexpected vicissitudes of fortune, he trusted that some happy incident might yet awaken a jealousy of France; and, in the most effectual manner, accomplish those objects, which he believed to be most conducive to the interest of Europe. In this expectation he was not disappointed. By an event, which happened at the beginning of this session, the whole train of public measures tended to pave the way to a new continental alliance; and by the death of James, which occurred in the course of a few months after, both the alliance and the war were carried into effect, by the importunate,

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1701.

Events favourable to his political designs.

“ If I followed my own inclination and opinion, I should have sent to all courts, to incite them to vigour; but it is not becoming, as I cannot set a good example, and I fear doing more harm than good; not being able to play any other game with these people, than engaging them imperceptibly.” Extracts from William’s Letter to Heinsius. Hardwicke’s Collections, vol. ii. p. 394, 395.

<sup>25</sup> Tindal, vol. iv. note, p. 320.

and

CHAP. and almost unanimous desire of the people of  
XX. England.

1701.

A letter  
from lord  
Melfort  
communi-  
cated to  
parlia-  
ment ;

The first of these incidents now comes under our consideration, according to the exact order of time. The same day the king received the address of the commons, he communicated, to both houses of parliament, an intercepted letter from the earl of Melfort to his brother the duke of Perth, which discovered danger more imminent and alarming to England, than what was apprehended merely from the late encrease of the French power. The earl of Melfort describes the preparations for war carrying forward in France, the strength of her fleet and other circumstances, which rendered the present juncture most favourable for the restoration of James. But, what above all made an impression agreeably to the views of William, he mentions how much their hopes of success were cherished by the defenceless state of England, and the delays and debates which must take place before she could be in a condition to act, if she had the inclination to do it <sup>26</sup>.

effects of  
it upon  
the tem-  
per of the  
people,

The subject of this letter spread an immediate alarm among the people, excited a vigilant jealousy of the proceedings of parliament, and constrained the ministers to turn the course of their measures towards war and foreign politics. Every delay in business, every debate, which appeared extraneous or prolix, was considered as a progressive fulfilment of the hopes expressed by Melfort, and a compliance with that plan, which was carried on by a malignant faction at home, in concert with the natural enemies of their country. These apprehensions were the more confirmed by the rumour of a French plot ;

<sup>26</sup> Journ. Commons, 17th February.

printed accounts of which were now hawked about in the streets of all the most considerable towns in England <sup>27</sup>.

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1701.

The French minister, de Torcy, complained to Lord Manchester of these proceedings, as tending to engender animosity between the two kingdoms. This complaint produced an investigation of evidence, and terminated in confirming the authenticity of Melfort's letter; nor could the alarm which it excited be allayed by the French king's open disavowal of all connection with Melfort, and sending him into banishment <sup>28</sup>.

The influence of these events was conspicuous and upon the resolutions of the commons, formed upon the consideration of a memorial transmitted by the States to king William. They now resolved to address his majesty, that he would be pleased to enter into such negotiations, in concert with the States and other powers, as might effectually conduce to the mutual safety of England and Holland, and the preservation of the peace of Europe <sup>29</sup>. The expressions in the address of the lords was still more favourable to his wishes; for they desired him to enter into alliances with all the princes and States, who were willing to unite for the preservation of the balance of Europe <sup>30</sup>. In consequence of these addresses, proposals were transmitted, by the English and Dutch ministers, to the court of France, and rejected on account of the extent of the demands contained in them <sup>31</sup>.

The

<sup>27</sup> Historians of the Times.

<sup>28</sup> Letters of Manchester and Vernon.

<sup>29</sup> Journ. Commons, 20th February.

<sup>30</sup> Journ. Lords, 13th February.

<sup>31</sup> His christian majesty was required to withdraw all his troops within a short limited time from the Spanish Netherlands, and not to be allowed afterwards to send any thither; while it should be permitted to the king of Great Britain, and the States General, to send troops for the defence of the Netherlands whenever

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1701.

Extension  
of the act  
of settle-  
ment.

3d March.

The same fortunate coincidence of external events operated in accomplishing a measure more decisively and permanently conducive to the prosperity of Britain, than the alliances into which she was about to enter. The death of the duke of Gloucester impressed a general conviction of the necessity of extending the succession of the crown in the protestant line; and a suspicion of the tories being averse to that measure increased the public anxiety upon their being raised to the administration. While they were constrained to gratify the earnest expectation of the people by bringing in a bill for entailing the crown upon the illustrious house of Hanover, it was remarked by their antagonists, that the restrictions and conditions, which they proposed, were calculated to frustrate its success<sup>32</sup>. As the settlement of the

whenever they should be lawfully required. This requisition was complained of by the French court as unreasonable and partial. Tindal, vol. iv. 213. 216.

<sup>32</sup> Burnet. These restrictions were, 1. That whoever shall hereafter come to the possession of the crown of England, shall join in communion with the church of England. 2. That if the crown should descend to a person who was not a native of the kingdom, the nation should not be obliged to engage in war for the defence of his foreign dominions, without consent of parliament. 3. That he should not go out of the dominions of England, Scotland, or Ireland, without the consent of parliament. 4. That all matters relating to the government of the kingdom, cognizable in the privy council, should be transacted there, and all resolutions taken thereupon should be signed by such of the privy council as advised and consented to the same. 5. That no person born out of the kingdom should be of the privy council, or a member of parliament, or enjoy any office, or have any grants of lands from the crown to himself, or others in trust for him. 6. That no person who enjoyed office or pension from the crown, should be capable of serving as a member of the house of commons. 7. That the judges should hold their places during good behaviour, but might be removed by an address from both houses of parliament. 8. That no pardon under the great seal be pleadable to an impeachment of the commons. Journ. Commons, 12th March:

CROWN

crown presented the most favourable opportunity CHAP.  
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for introducing new limitations upon the prerogative, by their merit and tendency, the intention and spirit of those who moved them must be tried. Some of them, undoubtedly, implied a censure upon the conduct of the king; the propriety of others has been ascertained, by the adoption of them at a later period, with the consent of every party. There can be little doubt, but such of the tories, as adhered to the interests of the princess Anne, gave their cordial support to the extension of the act of settlement. Her immediate succession, on the demise of the king, was rendered more secure by the settlement of the crown upon a protestant of foreign extraction, than if it had been left open to a rival; who, if entitled, or even likely to succeed on the event of her death, might have urged the claim of being preferred to immediate possession upon the principles of expediency and justice<sup>33</sup>.

In the measures now recited, the house of commons acted in conformity to the inclinations Observations.

<sup>33</sup> The address of William, in availing himself of the interest of the princess Anne to bring about the succession to the crown in the protestant line, is thus described by a contemporary author: That he might prevail with the princess Anne to "agree to it, he was not displeased to hear a rumour spread as if he was about to make a cession of the crown to another. He would also hold discourse in public concerning James and his son, and inquire of those who came from abroad concerning the parts and person of the boy, and whether he was not a promising youth. The princess Anne hearing of these things, and fearing lest king William should resign the kingdom, and restore it to king James and his son, easily agreed with him about the substitution of heirs; but this agreement was necessary to be kept secret, till the opinions of the members of parliament could be known." Cunningham, vol. i. p. 185.

CHAP. of the court. Their caution, in not rushing  
 XX. precipitately into a continental war, and the bill  
 1701. of succession, with a few of the restrictions annexed to it, certainly deserved the gratitude of the nation. They discovered uncommon diligence and accuracy in their inquiries concerning the state of the revenue and public accounts, in supporting the credit of the exchequer, and in having recourse to every fair plan of oeconomy for relieving the burdens of the nation<sup>34</sup>. But their conduct and proceedings, with respect to the partition treaty, were marked with partiality, animosity, and personal pique, which brought disgrace upon themselves, and retarded the most important public business.

The partition treaty unpopular,

and censured by both houses of parliament.

The partition treaty was considered, by the generality of the people, as departing from the spirit of former alliances, as exhibiting a servile complaisance to the French court, and as eminently contributing to the enlargement of that power which it had professed to circumscribe. The secrecy with which the king had conducted that business, though necessary to its success, was likewise extremely offensive, as it seemed to denote a want of confidence in his English subjects. So far, both houses proceeded, upon specious and popular grounds, to express their disapprobation of it, and such was the substance of the arguments contained in their addresses to the throne<sup>35</sup>.

Though the partition treaty was, from its commencement to its conclusion, a measure of the king's own contrivance and direction, yet, from a prudent accommodation to circumstances, he

<sup>34</sup> Journ. Commons, February, March, passim.

<sup>35</sup> Journ. Lords, 20th; Journ. Commons, 24th March.  
 avoided



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1701.

avoided any interposition to avert the censure with which it was threatened. It is probable, that he was not displeased, secretly, with that inconsistency into which the tories were running, by forming the most violent purposes of resentment against his former ministers, while, at the same time, they were averse to his darling measure of entering into a war with France. The crimination of the treaty was, by implication, an acknowledgment of the necessity of the war. Every argument, calculated to impeach the one, was, in effect, an argument for approving of the other, and there is no doubt, that the measures of the commons, though pursued to extremes which the king did not foresee, contributed to render a foreign war unavoidable, even in the opinion of that party from which he dreaded an opposition to it.

But to return to the progress of these. Violence.  
 Though both houses concurred in expressing their dissatisfaction with the partition treaty, yet their different motives for doing this soon appeared by their subsequent measures. The lords evidently had no farther design, than to testify their disapprobation of a measure apparently ambiguous, or impolitic, in the apprehension of those, who were but partially informed with respect to the grounds upon which it had proceeded, and to render such a disapprobation the basis of more vigorous measures. The commons wanted to make their resolutions the instrument of gratifying the pride and resentment of a party, of harassing the king, and disgracing the leaders of a whig administration. The opposition of the former was confined to the treaty, that of the latter was levelled against the persons who made it.

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## XX.

1701.  
and partiality of the commons in their proceedings with respect to the partition treaty.

The lords offended at the commons.

it. Hence, in the course of the debates in the house of commons, the treaty was not only condemned, but the persons who were necessary to it were inveighed against in the most opprobrious language; and it was finally resolved, that they should be impeached of high crimes and misdemeanors. The most glaring partiality and impatient resentment, upon the very commencement of this business, conveyed an unfavourable impression of the party by which it was agitated. In the list of the impeached, the names of some were omitted who were known to have been necessary to the treaty, as much as any of those whose names were inserted; but they had expiated their guilt by joining the party of the accusers<sup>36</sup>. Not satisfied with a fair issue of their trials, the commons grasped at the anticipation of punishment, and addressed his majesty to remove the earl of Portland, lord Somers, Halifax, and Orford, from his presence and councils for ever<sup>37</sup>. The lords felt the honour and dignity of their order infringed by such a precipitate and violent attack upon some of their members; they presented an address to the king, praying him not to pass any censure against them, till they

<sup>36</sup> They resolved that the earl of Portland, by negotiating and concluding the treaty of partition, was guilty of a high crime and misdemeanour, and lodged an impeachment against him in the house of peers; and yet the earl of Jersey, secretary of state and privy counsellor, who signed the said treaty, stood unimpeached, and continued at the head of affairs.

The lords Somers, Orford, and Montague, now lord Halifax, were impeached for advising the treaty 1698; and yet secretary Vernon, and sir Joseph Williamson, who were privy to it, stood unimpeached. Answer of Lord Heversham. Somers' Col. vol. viii. p. 384.

<sup>37</sup> Journ. Commons, 15th April.

were

were tried upon the impeachments depending in the lower house <sup>38</sup>. The subsequent proceedings of the commons contributed still more to inflame the animosities already kindled between the two houses. Lord Heversham, in a conference, had reflected upon the partiality of the commons, because they had impeached some, and not others, who had been guilty of the same crimes. The commons voted, that he should be charged for reproaches reflecting upon their honour and justice; and that the lords should be desired to proceed against him, and to inflict such punishment as his high offence deserved <sup>39</sup>. They even seemed to encroach upon the judicial rights of the peers, by attempting to prescribe the time, the order, and other important regulations, relative to the trials of the impeached ministers. Messages passed between the two houses; the questions in dispute were argued fully at several conferences; but the result was, an obstinate adherence to the principles and opinions which they had severally adopted <sup>40</sup>. The lords, provoked by the obstinacy, insolence, and dilatory proceedings, of the commons, and convinced of the frivolous grounds of the charges of impeachment, fixed a day for the trial of lord Orford. Upon the commons representing, that, from the nature of the evidence, it would be most proper to begin with the trial of Somers, the lords readily complied, and fixed an earlier day for it <sup>41</sup>. The commons, however, refused to appear; the lords proceeded in the trial, and acquitted Somers. The commons remonstrated;

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<sup>38</sup> Journ. Lords, 16th April.

<sup>39</sup> Journ. Commons, 13th, 16th, and 20th June.

<sup>40</sup> Journ. Commons, April and May, *passim*.

<sup>41</sup> Journ. Lords, 31st May and 3d June.

CHAP. the lords notwithstanding proceeded in the trial  
 XX. of lord Orford; and, finally, on the last day of  
 1701. the session, dismissed the several impeachments, because the commons neglected to proceed in their charges \*\*.

The  
 people  
 offended.

The people did not remain indifferent spectators during this period of warfare between the two houses. The succession of the duke of Anjou to the dominions of Spain roused their wonted jealousy of France, and inspired them with sentiments and wishes congenial with those of the king. The virulence of censure pointed against him, in the course of the debates in the lower house, disgusted the sober-minded, and awakened compassion \*\*; while it was but too obvious, from the personality with which the impeachments were introduced, and the contention and acrimony with which they were conducted, that they flowed from the narrow and vindictive spirit of faction. Public business was interrupted, and the great objects desired by the people were neglected. The impatience, excited by these impressions, was boldly expressed, in a petition delivered to the house of commons, in the name of the gentlemen, justices of peace, grand jury, and freeholders, of the county of Kent. The commons enraged, voted the petition scandalous and seditious, and resolved that the gentlemen who promoted it should be taken into custody \*\*.

Kentish  
 petition.  
 8th May.

\*\* Journ. Lords and Commons, 17th June; and Journ. Lords, 24th June.

† Mr. Howe said in parliament, that the king's grants were squandered away upon buffoons and harlots, and called the partition treaty a felonious treaty of three thieves. Cunningham, vol. i. p. 208.

†† Journ. Commons, 8th and 14th May. History of the Kentish Petition.

more fierce. A memorial, signed Legion, which CHAP.  
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 was left in the chair of the speaker, charged the lower house with illiberal and unwarrantable practices, and branded the whole party of the tories with the most dangerous principles and designs. The embroiled state of the commons with the people, as well as their disagreement with the house of lords, obstructed all public business, and rendered it necessary to prorogue the parliament. Parliament prorogued.  
24th June.

During the continuance of the session, William received a letter from the new king of Spain, intimating his accession; and, by the advice of the privy council, an answer was returned acknowledging his title. This transaction appeared not a little mysterious, at a time when William was forming measures hostile to the interests of Philip, and the commons were beginning to make concessions favourable to their accomplishment and success. Some have considered this as an act of political address on the part of the king; that, by yielding this point to his council, he might procure a grateful return, and bring them, by gentle means, to enter into those alliances which he was projecting, with a design to abridge the power of the house of Bourbon. William acknowledges the king of Spain.  
13th April.  
 Setting aside these views, we are at no loss to perceive strong reasons, arising from the situation of affairs, for yielding a temporary sanction to a breach of the partition treaty. In order to maintain the acquisition of the Spanish empire to his grandson, it appeared to Lewis an object of the first importance to divide the States from England. With this view the intimation of his grandson's accession was made to the former, and withheld from the latter; he attempted to negotiate with the one, as detached from the counsels and Reasons for his doing so.  
 interests

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Resolutions of the commons favourable to the king's views.

interests of the other; and he instructed his ambassadors to refuse the admittance of the English into their conferences with the agents of Holland. The States found themselves under the necessity of acknowledging the title of Philip, in order to recover their troops detained by Lewis in the Spanish Netherlands. Advantage was taken of this measure by Lewis, to treat with the States as separated from England, and as precluded from entering into any measures with her, inconsistent with those engagements which were implied in their acknowledgment of his grandson. To obviate this objection; to place England and Holland precisely in the same political posture, with respect to Spain; and to maintain unity of sentiment and interest between them, furnished the most forcible arguments for William's acknowledging the title of Philip<sup>45</sup>.

The king, notwithstanding all the affronts and reproaches he had endured, in the course of the session, had the satisfaction to succeed in those objects, which he deemed most important to the nation and his own honour. The negotiations he had already carried on in conjunction with the States were approved of; the army was augmented; liberal supplies granted; the faith and honour of both houses pledged to support what

<sup>45</sup> Cole. Ralph, vol. ii. p. 902. In order to vindicate the conduct of William in this instance, we need not have recourse to that finesse which is tolerated in political transactions. The great purpose of the public measures, now pursued by him, was to abridge the power of France, not to dethrone the king of Spain. That resolution was afterwards taken, in concert with the emperor; because Lewis opposed those demands, which were specified by William, the emperor, and the States, for maintaining the peace of Europe.

ever alliances he should think proper to enter CHAP. XX.  
 into, for controlling the ambition of France; for 1701.  
 securing the just claims of the house of Austria,  
 the safety of the States, and the peace of  
 Europe <sup>46</sup>. For the fulfilment of these engage- The na-  
 ments, he derived a stronger assurance from the tion im-  
 temper and sentiments of the people at large. patient for  
 Complaints of taxes, and aversion to continental war.  
 connexions, which began to spread after the  
 peace of Ryswick, now gave way to a spirit of  
 indignation against France, roused by the late  
 accession of her power and her supposed treachery  
 in the breach of the partition treaty. Wearied  
 with the tedious progress and uncertain issue of  
 negociations and treaties, the nation became  
 eager for the commencement of hostilities, and  
 estimated the merits of the prince and his mi-  
 nisters, by the tendency of the measure which  
 they pursued to forward that object.

The king was now relieved from that reserve; The king  
 which prudence had hitherto imposed upon him. makes  
 His pre-eminent talents for negotiation and for prepara-  
 military affairs once more found a free scope for tions for  
 action; and were exercised with vigour and it.  
 assiduity, seldom exemplified in one depressed  
 with bodily infirmities, and the prospect of ap-  
 proaching dissolution. He went to Holland; he  
 reviewed the troops; he gave all necessary di-  
 rections for the recruiting of the army, the rein-  
 forcing of the garrisons, and for the repair and  
 defence of the fortifications; he dictated the me-  
 morials presented by the ambassadors of England  
 and the States to the court of France; and he  
 negotiated with the several princes of Europe to  
 foment a jealousy of her power, and to strengthen

<sup>46</sup> Journ. Commons, March, April, May, passim.

**CHAP.** the combination for opposing it <sup>47</sup>. Under his  
**XX.** auspicious influence some of the neighbouring  
 1701. princes were prevented from yielding to the in-  
 trigues of France, and kept in a state of neutra-  
 lity; others were associated with England and  
 The grand Holland; and that grand alliance between the  
 alliance. emperor, king William, and the States, the basis  
 7th Sept. of the war, was brought to perfection <sup>48</sup>.

In the mean time, memorial after memorial  
 passed between the courts of England and France,  
 without any tendency to bring matters to an ac-  
 commodation. As the French king formerly  
 complained of the States for acting in concert  
 with England, so he now complained of their  
 introducing the claims of the emperor; and,  
 13th Aug. after many remonstrances to this purpose, recalled  
 monsieur D'Avaux, his ambassador, from the  
 Hague. The mask was now thrown aside by all  
 30th Sept. parties: the English and Dutch ambassadors with-  
 drew from Paris; and monsieur Pouffin, the  
 agent for the French king, was ordered to leave  
 England.

The heat and emu- During the period of these transactions, the  
 lation of war of parties in England was waged with in-  
 parties creasing asperity and violence. Whatever the  
 render concealed motives and intentions of any party of  
 the people men, in a free country, may be, yet they must  
 more anx- ever endeavour to hold forth such representations  
 ious for of them, as are consonant to the prejudices of  
 war.

<sup>47</sup> Monthly Mercury, September, October, 1701.

<sup>48</sup> The most important articles in this treaty were, that the allies should procure satisfaction to the emperor in the Spanish succession; that they should endeavour to recover the Spanish Netherlands to be a barrier between Holland and France; and the duchy of Milan, Naples, Sicily, the lands and islands upon the coast of Tuscany belonging to the Spanish dominions, to the emperor; that Britain and the States should retain whatever places they conquered in the West Indies.



the people. Both parties, in their own defence, exhibited to the public such accounts of their own conduct, in the last session of parliament, as co-operated to cherish the national spirit of antipathy to France, rather than materially to answer their separate views of obtaining a preference in the confidence and affections of the people. They reciprocally appealed to their actions as the test of their sincerity. The whigs complained, that the tories wished to protract time, to trifle, to compromise, and finally to evade war with France. The progress of the French in Flanders, and their forwardness in warlike preparations, were adduced as fatal effects and incontrovertible evidences of those charges. The tories not only boasted of the efficient measures they had pursued in the last session of parliament, the supplies they had granted; the treaties they had authorised, the forces they had raised; but they pledged themselves for the vigour and celerity with which they were determined to pursue the reduction of the French power<sup>49</sup>. To this emulous application for public favour, as well as to an intervening event of great moment, it was owing, that both of them persevered to vie with each other, for many years after, in zeal for securing the protestant succession, and thwarting the ambitious views of France.

The event to which I refer was the death of James<sup>50</sup>, and the resolution, adopted by the court

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<sup>49</sup> Publications of the Times, Somers's Collections.

<sup>50</sup> The features of James's character are so marked, that the reader of observation needs no assistance to distinguish them. Nothing, however, appears more unaccountable, than the credit James seems to have obtained from some of his contemporaries for

CH. A. P. court of France, to acknowledge his son as King  
 XX. of England. This event was not only productive  
 of

1701.

His son  
 acknowledged by  
 the  
 French  
 king,  
 which is  
 resented  
 by every  
 party in  
 England.

for sincerity and honour, and the implicit assent, with which  
 latter historians have admitted these virtues, as the ground of  
 encomiums upon his character.

Mr. Hume says, "That he was faithful, sincere, and ho-  
 nourable in his dealings with all men." Hume, vol. vi. p.

432.

The historian, whom I have so often had occasion to mention  
 in the course of this work, discovers the strongest partiality to  
 James, by laying the stress of his character upon his truth and  
 sincerity. "He was honourable and fair in all his dealings."

"His great virtue was a strict adherence to facts and truth in  
 all he wrote and said, though some parts of his conduct had  
 rendered his sincerity in his political professions suspected by  
 his enemies." Macpherson's History, vol. i. c. viii.

Few characters, that have entered the page of history, furnish  
 more numerous examples and indisputable proofs of dissimu-  
 lation, duplicity, and want of truth, than occur in the private  
 and political conduct of James.

He seems to have entertained a design of denying his mar-  
 riage with lord Clarendon's daughter, which was discouraged  
 and prevented by his brother king Charles. Life of Clarendon,  
 vol. i. p. 261.

If he gave a proof of his sincerity by professing the Roman  
 catholic religion, he surely had committed repeated falsehoods  
 in denying his attachment to that religion after it had actually  
 taken place. He made a solemn declaration to Dr. Morley,  
 of his resolution to continue in the protestant religion, at a  
 time, when he was giving every encouragement to his servants  
 to become Roman catholics; and had probably determined, in  
 his own mind, to embrace that religion. Letter of Morley to  
 Clarendon, April 24, 1659. Clarendon's State Papers.

His conversation and dealings with the earl of Argyle,  
 about the test act in Scotland, exhibit not only contradiction of  
 opinion, but the most treacherous and deliberate falsehood to  
 ensnare and destroy that nobleman. Woodrow's History, vol.  
 ii. book iii. ch. v. sect. vii.

While he declared himself a friend to toleration in England,  
 he urged the most severe persecution of the presbyterians in  
 Scotland. While professing to the prince of Orange a desire  
 for toleration, he was congratulating Lewis upon the persecution  
 of the Huguenots. Compare Woodrow's Letters. Dalrymple's  
 App. part. i. p. 177.

of renewed professions of loyalty to the king, CHAP.  
 but increased the sincerity, and stimulated the XX.  
 exertions, 1701.

He was well known to be an enemy to the protestant dissenters in England. The chief instruments of their persecution were his creatures and partisans; and yet, when he ascended the throne of England, he broke the laws to gratify the dissenters, that he might cherish popery; and he pretended that toleration had ever been his favourite principle. Somers's Collections, vol. xv. p. 298.

His correspondence with the prince of Orange exhibits a scene of base dissimulation and falsehood. He is at pains to impress him with a belief of his zeal for England's entering into a war with France, while he is privately doing all that he can to thwart it, and labouring to promote a treaty between his brother and France, highly prejudicial to William. Dalrymple's Appendix; part i. p. 181-2-3, &c.

When he ascended the throne of England, he endeavoured to ingratiate himself with his subjects, by professing independence upon France, and an aversion to all connexion with her; and yet, at that very time, he gave Lewis the strongest assurances of his friendship; nay, he was so mean as to solicit a subsidy from him as the reward of his friendship. He was indeed offended, because Lewis did not bestow so liberal a pension as he expected, and therefore renewed a treaty with Holland. Ibid. part i. p. 103. 154. 175-6.

He instructed lord Clarendon and sir Charles Porter to declare solemnly, that he would maintain the acts of settlement and explanation in Ireland inviolate; and yet it was afterwards manifest, that nothing was farther from his intention. State of Ireland, p. 144.

After lord Dundee fell, a letter from lord Melfort was found in his pocket, together with a declaration under the hand of king James, containing not only an offer of indemnity to all such as should return to their duty, but of toleration to all persuasions. Melfort's letter to Dundee, however, imported, that, notwithstanding the seeming promises of indulgence and indemnity in the declaration, he had so worded them, that he might break them when he pleased, and that his majesty did not think himself bound to stand by them. Guthrie's History, vol. x. p. 299.

James certainly was sincere in professing that religion, which he believed to be true, at the hazard of his crown. But though a man cannot be sincere who does not openly profess the

CHAP. exertions, of every party, for establishing the  
 XX. throne in the protestant line. The interest of  
 1701. the unfortunate son of James was not only obstructed, but the affections of many in the nation were alienated from him, by his acceptance of the patronage of a prince, whose name, at this period, was no less odious, than his ambition was formidable to England. The remaining friends of the family of Stewart were agitated with opposite and distracting affections: antipathy to France encountered a predilection for the lineal descendant of their ancient princes; and the pride of an Englishman revolted against the idea of acknowledging a prince, who tarnished the honour of his country, by receiving an empty dignity from the hands of a hated rival<sup>51</sup>. Persons free from every bias of prejudice, or impulse of passion, and who pursued, coolly and disinterestedly, that system, which appeared most favourable to the liberties of their country and

the religion which he believes, yet he may do this and still be deficient in sincerity; nay, he may be such a bigot to religion, as to sacrifice truth and sincerity, in every other branch of character, to the interests of his religion. He may think it his duty to lie, to deceive, and to break every moral obligation, for propagating his favourite faith. Such was the character of James; and they who ascribe sincerity to him, after attending to the instances now cited, must entertain a narrow, loose, and incorrect idea of that virtue.

Mr. Macpherson ascribes the procuring the slave trade to England, to the industry and artifice of James when duke of York, vol. i. chap. ii.

Admitting the fact, it will not contribute to advance either his reputation or merit in the opinion of those, who think that this traffic has involved their country in guilt and infamy, for which no external prosperity can compensate. Such will lament, that his commercial projects have not been doomed to the same disappointment, which attended his political and religious designs.

<sup>51</sup> Cunningham, vol. i. p. 213.

the

the independence of Europe, anticipated the most fatal consequences to both, if a king should ascend the throne of England, under the influence of a rival kingdom, and under a sense of obligations to her monarch. Rich in internal resources and population, France grew every day more terrible to her neighbours by the artifices and usurpations of her sovereign. He had already detached, from the scale of the allies, and added, to his own, all the wealth of the Spanish empire. He now grasped at the government of England, the strong fence of European independence, by placing upon her throne a prince trained under his tutelage, and subjected to his direction. Should he succeed in this design, the dispute would soon be at an end: England would become his tool; and Europe would be subdued.

CHAP.  
XX.  
1701.

To the circumstances and impressions now described, we trace that political system, which, more or less, regulated the measures of every party, and of every administration in England, for many years subsequent to this period. The acknowledgment of the right of the pretender by Lewis, who was in the most extreme degree obnoxious to the English, and upon the verge of hostilities against them, fixed an association of ideas, which not only alienated the affections of the tories from the son of James, but multiplied and corroborated the legal obstructions to his restoration, at a period, when, if it had not been for them, he would have divided the affections of the nation. The tendency of acts of parliament, the language of every party, the avowed attachment of individuals, all ran in favour of the Hanoverian succession. The tories and the whigs strove to excel in public zeal for this

and fatal  
to the  
hopes of  
the pre-  
tender.

**C H A P.** this object: hence some of the leading men  
**XX.** among the former, when, under the succeeding  
 1701. reign, they were really inclined to promote the  
 inclinations of the queen for the succession of  
 her brother, found themselves entangled and  
 hemmed in by the resolutions and statutes, to  
 which they themselves had contributed, and were  
 forced to pursue their object, by measures so  
 clandestine and inconsistent, as not only frustrated  
 their purpose, but brought disgrace and ruin  
 upon their families.

Reasons  
 for the  
 king  
 changing  
 his mi-  
 nisters,  
 and call-  
 ing a new  
 parlia-  
 ment.

From the facts which have occurred, it is na-  
 tural to infer, that William might have trusted  
 to the same parliament and the same ministry  
 for the prosecution of such measures, as were no  
 less conformable to the temper of his people,  
 than to his own private desire. Considering,  
 however, the advantages the French king had  
 obtained, by having got so much the start in his  
 preparations for war; such vigour and expedi-  
 tion became necessary upon the part of England  
 and the States, as could only be expected from  
 ministers, who entered, with the full conviction  
 of their understanding and the sincere attachment  
 of their heart, into measures which the voice of  
 the public prescribed. Besides, the keenness,  
 with which the tories carried on the impeach-  
 ments, afforded every reason for apprehending  
 that private resentment would be preferred to  
 public business; and that the same disputes would  
 be renewed under the continuance of a parlia-  
 ment and ministry devoted to them. If, from  
 these considerations, the king was disposed to  
 change his ministry and dissolve the parliament,  
 he was confirmed in that resolution by the strain  
 of addresses, which were now transmitted from  
 the most respectable communities in England.

The

The sentiments of the Kentish petition were re-echoed from every quarter: the dilatory proceedings of the commons in the last session execrated; and the necessity of vigorous measures inculcated<sup>52</sup>.

CHAP.  
XX.  
1701.

The king returned to England on the fifth of November; upon the eleventh he dissolved his parliament; and summoned a new one to meet on the thirtieth of December. The personal indignity offered to him, by the French king's having owned the Pretender, and the danger of Europe from the accession of the duke of Anjou to the throne of Spain; the alliances he had formed; agreeably to the instructions of parlia-

The sixth  
parlia-  
ment of  
William  
meets.

<sup>52</sup> The earl of Carlisle was appointed first lord of the treasury in the room of lord Godolphin. The earls of Radnor and Burlington were admitted into the privy council. The earl of Manchester was made secretary of state, in the room of sir Charles Hedges. The earl of Pembroke was declared high admiral. The duke of Somerset succeeded him as president of the council. These changes did not take place till after the meeting of parliament, and it was believed, that several other changes were intended in favour of the whigs, if the king had lived. The dissolution of parliament and the change of the ministry were recommended to the king by lord Sunderland, with earnestness and importunity, which he would not have discovered, if he had suspected that the king's inclinations had been contrary to the opinion he supported. Hardwicke's Collections, vol. ii. p. 443. &c.

He applied, at the same time, with assiduity, to ingratiate himself with the persons upon whom he wished the king to devolve the management of his affairs. To lord Somers, upright and unsuspecting, he addressed himself in such flattering and warm professions of friendship, as obtained his entire confidence. Hardwicke's Collections, vol. ii. p. 447-8. 453-7.

At the same time, whether it was to gain more effectually the confidence of the persons, with whom he had formerly fallen under suspicion, or, in order to make an experiment of the stability and success of a new administration, before he became publicly connected with it, he positively refused, at this time, the acceptance of any ministerial office. Ibid. p. 462.

ment;

CHAP. ment; and union at home, as more than ever  
XX. necessary to success in all their designs; were  
1701. the important topics, upon which the king addressed himself to his parliament.

1702. Mr. Harley was again chosen speaker of the commons, and Mr. Coniers of the general committee. From this distinction being conferred upon tories, as well as from angry resolutions which were passed with respect to the Kentish petition<sup>53</sup>, it might have been inferred that the strength of that party prevailed, if measures had not soon followed, which were favourable to the current of popular sentiments, and the principles of the whigs. Repeated addresses, from both houses, glowed with indignation against France: the commons addressed his majesty, that it might be an article in the several treaties of alliance, that no peace should be made with the French king, till his majesty had reparation for the great indignity offered to him, by owning and declaring the pretended prince of Wales king of England<sup>55</sup>.

Supplies granted. Copies of the several treaties, which the king had made, were laid before the commons, and their hearty approbation of them was expressed, by resolving that a supply should be granted<sup>54</sup>. The exchequer was authorised to borrow six hundred thousand pounds for the service of the fleet, and fifty thousand pounds for the support of the guards and garrisons. Forty thousand men were ordered for the land service, and seven hundred thousand pounds voted for paying them<sup>55</sup>. Bills, for further securing the pro-

Bill for  
attainting  
and ab-  
juring the  
Pretender.

<sup>53</sup> Journ. Commons, 7th Feb. 1702.

<sup>54</sup> Journ. Commons, 10th January.

<sup>55</sup> Ibid. 6th and 7th January.

<sup>56</sup> Ibid. 7th, 10th, 14th, and 17th January.



testant succession, for attainting, and abjuring the Pretender, were brought in by the commons, and, with some amendments, obtained the consent of the lords<sup>57</sup>. Such a train of measures could not fail of giving the highest satisfaction to the king. He now saw the nation brought back to that temper, which had produced the revolution, saved the protestant religion, and the liberties of Europe.

CHAP.  
XX.  
1702.

After the peace of Ryfwick, the personal interest of William, which had been upheld, during the war, by his meritorious services and the more copious dispensation of favours, began to decline. Through the artifices of faction, the most malignant construction was put upon all his actions. The importance of the objects, for which he was invited to the throne, was undervalued and forgotten; and his influence upon public measures almost annihilated. In this situation a critical juncture of affairs ensued. The tempest began to gather anew; the political horizon became dark and menacing; the mind of the king was depressed, but not subdued. He laboured to mitigate those approaching calamities, which, under the deprivation of national confidence, he could not avert. By the partition treaty, he hoped that the French king might be soothed into concessions, for maintaining the present peace, and the future balance of Europe. The prejudices and resentment of a disappointed faction traduced his commendable intentions; the ill success of his attempts at first seemed to

Vicissitudes in the political sentiments of the nation since the peace of Ryfwick.

<sup>57</sup> Journ. Lords and Commons, January, February, passim, and 7th March. On the 7th of March the king was so weak, that he was obliged to make use of a stamp, for signing the commission, giving his assent to the bill for securing the protestant succession.

CHAP. justify the misconstruction of them, and to estab-  
 XX. lish the triumph of malice, while it gave new  
 1702. scope to its exertions. These exertions over-

The  
 wishes of  
 the king  
 gratified.

His death.  
 8th Mar.

reached their mark, contributed to frustrate their own object, to develop the wise policy and steady integrity of William, and to engage his enemies themselves in such measures as were most agreeable to his inclinations, and the interest of Europe. A concurrence of fortunate incidents co-operated to promote the same ends. The clouds were dispelled; unanimity and vigour opened the prospect of national prosperity and glory, and once more gilded the political horizon.

William did not survive to reap the fruits of his labours and projects; and his death, at a period, when he was just about to enter upon the consummation of his hopes, and to ascend the summit of terrestrial glory, is a memorable example of the observation of a sacred author, *that man at his best estate is altogether vanity.*

## C H A P. XXI.

*Comparative View of the Whigs and Tories during the Reign of William.---Their Strength in the Nation.---Their Influence at Court.---Their Share in Administration.---Inconsistencies in the Conduct of both.---Their Merits and their Faults.---Observations.---Benefits of the Revolution.---It secured the Liberties of England---saved the Protestant Religion---promoted Toleration---inspired a Spirit of Improvement into the Constitution.---Obligations of the Nation to King William.---His Character.*

FROM a comparative view of the strength of CHAP. the whigs and the tories, through the nation XXI. in general, at the revolution, it appears, that, <sup>Comparative view of the whigs and tories during the reign of William.</sup> in rank, property, and influence, the tories were superior. From number, zeal, industry, and a fortunate coincidence of events, the whigs derived progressive advantages. It has been generally admitted, that, in the preceding reigns, the greatest number of persons, who possessed landed estates, avowed the principles, and supported

CHAP.

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Their  
strength  
in the  
nation.

ported the measures, of the tories. To the same interest was devoted the undivided attachment of the established church, abounding with wealth and patronage, and respectable by the literature, abilities, and character, of many of its members. To this association, civil and ecclesiastical, we are indebted, in a great measure, for the revolution, or, at least, for that zealous concurrence of the tories with the whigs, without which that event could never have been accomplished.

The superiority of the tories, in property and hereditary influence, was balanced by a variety of advantages, which gradually raised the power and reputation of the whigs, and rendered them more than a match for their antagonists during the reign of king William.

The want of established influence, and the contempt with which they were treated by the court and the tories, during the preceding reigns, united the whigs by closer ties of sympathy and friendship, and produced a defined system of principles, and well-concerted plans of action. Excluded from all hope of preferment, they laboured, with determined perseverance, to reduce the prerogatives of the crown, and to thwart the inclinations of the prince. That irregularity and licentiousness of government, which justified the inflexible opposition of the whigs, constrained the tories, who engrossed the ministerial offices, to depart, upon some occasions, from their characteristic principles, and to fall into inconsistencies, always injurious to the reputation of any party. Hence, the whigs advanced, and the tories declined, in the esteem of the nation. In great emergencies, it must be admitted, that the tories followed the dictates of

of patriotism ; but this fact, which is granted in C H A P. XXI. favour of character, may, at the same time, be advanced to impeach the wisdom and purity of their general political system. The great event of the revolution brought home, to the sense and experience of all ranks of men, a demonstration of the impossibility of adhering to the doctrine of non-resistance or unconditional obedience, and the train of absurdities with which it is connected <sup>1</sup>.

Though it should be admitted, that the political principles, which distinguish parties, are, with many individuals, the effect of early prejudice, more than of deliberate inquiry and free choice, yet, greater energy and steadiness may be expected in defence of those principles, which are discovered after examination to be just in theory, and practically beneficial to the interests of mankind ; and hence, by courage, vigour, and perseverance, suitable to the dignity and importance of their cause, the whigs increased their credit and influence, together with the number of their adherents, after the period of the revolution. It is observed by Mr. Harley, who, in the course of his political life, had been intimately connected both with the whigs and the tories, that the former were most successful, by making proselytes of men of thought and industry,

<sup>1</sup> It may be truly remarked, that the maxims of the tories were such as could neither be reduced to practice, nor maintained in the hour of trial. The principle of self-preservation, the primary and most powerful law of nature, leads us instinctively to resist that violence which threatens the destruction of our being. The subject of the despotic monarch, condemned to forfeit life without evidence or trial, submits to the law of necessity, and lays down his head upon the block, not from the influence of principle, but with secret resistance and execration of oppression.

CHAP. while the latter enlisted under their banners those  
 XXI. who were dissipated and profligate, and looked no  
 farther than to the surface of things \*.

The ascendancy of the whigs at court, and their possession of ministerial offices, during the reign of king William, afforded them an opportunity of improving their private fortunes, and extending the influence of their party. The management of a tedious and expensive war augmented the profit of every official department, and gave birth to many new offices and commissions, which redounded principally to the emolument of the whigs, and brought into their hands a great proportion of every species of property.

The progress of commerce and manufactures, favourable to sentiments of freedom and habits of independence, was another source of the extending influence of the whigs. Thus, it was observed, that, in trading and manufacturing towns, the whigs were most numerous, and that, in the vicinity of cathedrals, and in villages dependent upon great men, the interest of the tories predominated.

The foreign protestants, who resorted to England both in this and the preceding reigns, brought a great accession of strength to the whigs. The clerical members of the church of England discovered an early jealousy of the protestant refugees, because they were not sufficiently submissive to the doctrines and authority of their establishment; and this jealousy they were at pains to instil into the tories, over whose consciences they had a powerful sway. The unkind treatment which the exiled protestants experienced from the tories, as well as a similitude of religi-

\* Faults on both Sides. Somers's Cat. vol. xv. p. 291.

ous opinions and forms, to those which the English dissenters generally maintained, united their political interests, and augmented the strength of the whigs<sup>3</sup>. From the experience of the advantage they derived from the influence of the protestant refugees, the whigs supported bills of naturalization, which were generally opposed by the tories, who spoke of the persecuted Palatines, and other foreign protestants in England, with a contempt and scurrility, favouring too much of political rancour<sup>4</sup>.

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It has already been observed in the progress of this history, that it was the uniform plan of William, to compound his administration of individuals of different parties, and occasionally to turn the balance in favour of one or the other, in accommodation to the current of events. The whigs, elated with their triumph, and overrating their services at the revolution, were dissatisfied with a bare precedency in administration, and began, at an early period, to contrive such measures as might effectually prevent their antagonists from recovering the reins of administration, and might even reduce their political influence in more subordinate stations. Their opposition to an act of indemnity, and their obstinacy in contending for amendments of the corporation act, tending to exclude the tories from any share of power or interest in the boroughs, were the consequences of this engrossing temper. William, justly apprehensive that a diminution of his influence would be the consequence of any restriction in the choice of his ministry, and con-

Their influence  
at court.

<sup>3</sup> Advice to the Freeholders of England. Somers's Col. vol. xii. p. 379.

<sup>4</sup> Ibid. History of the four last Years of the Queen, p. 221. &c.

CHAP. vinced from long experience of the benefit of  
 XXI. employing and rewarding the services of every  
 party, found himself under the necessity of dismissing the whigs, though it could only be accomplished by the bold measure of dissolving the convention parliament.

Jan.  
 1690.

Their  
 share in  
 administration.

At the beginning of the second parliament, the king not only exalted the tories, by conferring upon them the principal offices in administration, but rendered their influence at large more extensive and permanent, by changing the commissions of the justices and militia in their favour. The tories maintained their authority in administration during four successive sessions in the second parliament; but the king, having discovered a correspondence, which some of their leaders carried on with James, and finding that the sentiments of the generality of the whigs coincided with his schemes of policy, again changed the ministry, and bestowed the principal offices of government upon them.

1693.

From this period, the power and popularity of the whigs advanced, and displayed itself with great effect and energy, in the third parliament of William. The most liberal supplies were granted, notwithstanding the nation had been burdened by the long continuance, and great expences, of a war. By the eminent abilities of some of the whig ministers, the greatest difficulties were surmounted, in order to make the supplies effectual, to restore the coin to its proper standard and purity, and to accomplish other measures essential to the future credit of the nation.

1694-5.

1697. The peace of Ryswick afforded the tories an unexpected opportunity of undermining the influence of the whigs, of lessening their credit at court.



court, and defaming their reputation with the people. The news of the peace were received with universal joy by the nation, chiefly upon account of the assurance it gave them of being relieved from the heavy burdens which they had sustained during the war. It would have been difficult for any ministry, at that period, to have contrived such regulations of œconomy, and such immediate reduction of taxes, as were necessary to gratify the expectations of the people; but, when they heard that ministry hesitated about disbanding the army, the most obvious and desirable means of saving the public expence, universal discontent prevailed. An aversion to a standing army was one of the earliest and most decided criterions of the whigs. The system of policy which they adopted in connexion with the new settlement, the state of the continent, the earnest desire of the king, the very preservation of those great national objects which they had already attained, all required the establishment of a larger military force than seemed consistent either with their own principles, or the prejudices of the people. The whigs, then, were pressed by this dilemma. If they contended for a standing army, their integrity and consistency would be impeached, and their popularity lost; if they gave up this point, they must forfeit the royal favour, endanger the liberty of their country, and the independence of Europe. The consequence was, that they separated upon this question when brought to a vote, and did nothing for the king as a party. The feeble efforts, made by the whig ministers to gratify the desire of the court, introduced internal divisions; attracted popular censure, which extended to the whole party; and at length completed the triumph

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XXI.

umph of their rivals. During this languishing influence of the whigs, of which the king was every day more sensible from being frustrated in his favourite measures, the tories offered their services, and boasted of their influence. He made a partial change of administration in their favour, after the first session of the fourth parliament; by which, however, he found that he had lost the support of one party, without acquiring the cordial attachment and services of the other.

1699. The tories insisted on the total dismissal of the whigs, as necessary for enabling them to fulfil their engagements with the king. He had gone too far to recede. Lord Somers was removed from office; Mr. Montague was brought into the house of lords; and, that the influence of the tories might have free scope in the house of commons, that parliament, which had been summoned under a whig administration, was prematurely dissolved. The tories were not disappointed in their expectations of the parliament, in which they found themselves able to command a majority of votes; but their success ensnared them.
1700. Flushed by the number and zeal of their adherents, the ministry considered themselves as independent on the king, and used their power, rather to gratify their own resentments, than to promote such measures as were acceptable to the court, and calculated to gain them credit with the people. The precipitancy and vehemence of their proceedings against some of those persons who had been the principal actors in the whig administration, notwithstanding the accomplishment of some measures of great utility, disgusted the king, embroiled the ministry with the house of
- of

of lords, and rendered them odious to the nation; so that, to the satisfaction of all who were not of the party, the king dissolved his fifth parliament, which had existed only for a single session. He called a new parliament, and began to form a whig administration, which was not completed before his death <sup>5</sup>.

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XXI.

Nov.  
1701.  
1702.

From this short review of the alternate rise and depression of whigs and tories, it appears, that the whigs enjoyed the greatest share of ministerial power and public emolument during the reign of William, and certainly possessed more of his confidence than the other party <sup>6</sup>. If the balance was turned against them, it was only upon emergencies, and for a season. It was restored again, as often, and as soon, as they became capable of carrying on the public business.

The comparative merit of whigs and tories may be estimated, either from an abstract view of their political principles, or from the measures of government which they severally defended or opposed, while they were in or out of power.

It is not my design to enter into an abstract view of the principles of whigs and tories, farther than I have done in illustrating the preceding observations; because it will be found, that their political measures and conduct have not differed from one another, so invariably and so widely, as the principles which they professed would naturally have led us to expect. Whigs and tories in administration, and whigs and tories in opposition, exhibit striking features of resemblance to each other. If we were to draw a contrast of political characters, without affixing

Incon-  
sistencies  
in the  
conduct  
of both.

<sup>5</sup> Hardwicke's Collections, vol. ii. p. 460.

<sup>6</sup> Burnet.

CHAP. the names of the originals, we should find apt  
 XXI. and copious materials, by pursuing the history  
 of the same party, and the same individuals, through the vicissitudes of favour and disgrace at court. The grounds of this remark must be obvious to every man, who is acquainted with our history from the revolution to the present day; I remind the reader only of such as have occurred in the course of this work. In the debates upon the questions relating to the laws of treason, to the trials of conspirators, to the suspension of the habeas corpus, and to the disbanding of the army, the whigs held a strain of argument, which they had often condemned during the two preceding reigns; and the tories obtained a transient popularity, by possessing themselves of the ground which their adversaries had deserted, and retorting those accusations and reproaches with which their own party had been formerly branded. In support of the bill for triennial parliaments, the bill for amending the treason laws, the place bill, the revocation of the royal grants in Ireland, and the limitations introduced in the acts of settlement, the tories were successful, not only in thwarting the measures of their antagonists while in administration, but in imposing durable restrictions upon the influence of the court, and introducing important amendments into the constitution. In prosecution of the impeachment of the ministers concerned in the partition treaty, the tories assumed a zeal for continental interests, which they had ever opposed when it proceeded from the whigs. In vindication of the apparent inconsistency of the latter in the examples now recited, we are bound in candour to observe, that a very material change in the circumstances of the nation, and

and particularly the claim of a rival to the crown, supported by a powerful faction at home, rendered it necessary for them to deviate from those political maxims and resolutions, which they had declared, in too absolute and indefinite terms, during the period of their opposition to arbitrary government. Political maxims are, more than those of any other science whatever, liable to exceptions, according to the circumstances of the times; and were they rigidly and inflexibly adhered to, would often frustrate the very purposes for which they were at first adopted.

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If there be any fundamental and comprehensive principle, distinguishing the whigs from the tories, it is that which they avow with respect to the interfering claims of the prince and the people. The privileges of the people the whigs profess to guard with a jealous eye, and to vindicate from the encroachment of every rival interest. The tories are devoted with the supreme affections of their hearts to maintain the prerogative of the crown. In every question, therefore, of interference between prerogative and privilege, that is not already fixed with precision by statute or precedent, the whigs, in conformity to their principles, may be expected to adhere to the latter, and the tories to the former; and yet there is not any one point in which both parties have acted more vaguely, and so often in direct opposition to their favourite principles. If we collect and examine the long catalogue of questions, directly or indirectly referring to that subject, from the æra of the revolution down to the present times, they will rather appear to have

<sup>7</sup> Preface to the Subject's Right of Petitioning. State Tracts, T. W. vol. iii. p. 257.

been

CHAP. been disputes between administration and opposition, than between whig and tory, and to have  
 XXI. had for their object, nor the support of principle, but the acquisition and retention of power.

Merits  
 and faults.

But however variable and contradictory the sentiments of whigs and tories may have been with respect to questions purely political, yet both of them have more uniformly adhered to those principles regarding religion and ecclesiastical polity, which were coëval with their existence as parties. The whigs, whether within or without the pale of the national church, have been not only professed, but generally consistent, active friends to religious liberty. They claim the exclusive honour of having been the advocates for every measure, calculated to promote toleration and religious liberty, that has been adopted by the British legislature. They glory in many unsuccessful struggles to abolish penal statutes, and to remove restrictions upon conscience, introduced by the factious spirit and narrow jealousy of the tories, aided by the conscientious, though illiberal zeal of those who held offices of dignity in the church<sup>\*</sup>. The constant declaration and assiduous exertion of the whigs in behalf of religious liberty, as it formed a predominant feature in their character, so it was marked and criticised by their antagonists as the fittest instrument to work upon the prejudices of the people, and to propagate the apprehension of danger to the ecclesiastical constitution. The church of England and the whigs were often represented by the party writers, in this and the succeeding reign, as inveterate enemies, whose interells and affections it was impossible ever to reconcile; and that period, when the monarchy and hierarchy

<sup>\*</sup> Sacheverell's Trial.

ad been destroyed by the same hands, was often CHAP. XXI.  
 ecalled to view, in order to strengthen the union  
 of the tories with the church '.

By this political artifice, the tories not only allured the greatest number of the officiating members of the church of England to their party, but, upon some occasions, they meanly availed themselves of the auxiliary strength of enthusiasm, bigotry, and the tumultuary interposition of the people. Those among the whigs, who were sincerely attached to the established religion, perceived the insidious designs of their antagonists, and, to prevent a confusion of titles that might prove detrimental to the cause of liberty by misleading weaker minds, they framed a new ecclesiastical denomination, to preserve unbroken and detached the whig interest residing within the bosom of the church. Under the description of *high* and *low church*, the political warfare was transferred into consecrated ground, and whigs and tories carried on their conflicts, within the pale of the church, with equal pretensions of attachment to her constitution and interest.

As the conduct of the individual is more influenced by the heart than by the understanding, so, in the history of parties, we often trace predominant affections, which lead them to act in contradiction to the political maxims they profess, and which, more than these, ascertain the discriminating features of their character. When I observe that the affections, of the tories inclined to the family of Stuart, and that the succession of the crown in the protestant line was the object that was ever nearest to the hearts of the whigs, I do not mean to assert, either that the leading and most respectable men among the tories wished to recal

<sup>9</sup> Rapin on Parties, vol. ii. p. 799. 803.

CHA P. king James, or that all those, who had the name  
 XXI. of whigs, were free from the guilt of conspiring  
 to overturn the revolution settlement; but what I  
 affirm, upon the evidence of fact, is, that the  
 whigs took their measures more with a view to sup-  
 port the revolution settlement, than to maintain  
 consistency, or to display a rigid adherence to those  
 principles which they had maintained before they  
 came into power. The early hesitation of the  
 tories, about completing the work which they had  
 begun in concert with the whigs, and their noto-  
 rious and frequent departure from that respect to  
 prerogative, for which they had often and strenu-  
 ously contended, certainly flowed from a remnant  
 of affection to the exiled family, indicated a dis-  
 affection to the person of William, and an indiffe-  
 rence, if not a secret aversion, to that settlement  
 of the succession which he wished to establish.  
 The bare recital of a few facts will, at once, elu-  
 cidate and confirm these observations.

Though the tories kept equal pace with the whigs  
 in the first stages of the revolution, they stop-  
 ped short while they were yet far from the end of this  
 patriotic journey. The plan of the regency, of  
 which they were so tenacious during the interreg-  
 num, bespoke an anxious retrospect to James, and,  
 if it had succeeded, must have facilitated his re-  
 sumption of the throne, and would certainly have  
 ensured the succession of his son.

The haste of the whigs to invest William with  
 royal power, their neglect of the most favourable  
 opportunity to obtain limitations of prerogative,  
 and farther securities for the liberties of the peo-  
 ple, may be considered as early examples of their  
 waving and postponing the operation of principle,  
 in concession to that settlement of the crown upon  
 which their affections were bent. The zeal of the  
 whigs;



whigs in entering into associations for the defence of the king's person upon the discovery of conspiracies, their framing and imposing the strictest oaths of allegiance and abjuration, the frequent suspension of the habeas corpus, their deviation from the ordinary modes of trial in cases of treason, were, perhaps, in the critical situation of affairs, necessary measures to secure the revolution settlement; but the adoption of them, in opposition to their professed sentiments and at the hazard of reproach, were evidences, that the security of that settlement was the supreme object of their care and anxiety.

On the other hand, the opposition of the tories to those very measures which exposed the whigs to the charge of inconsistency, their misrepresenting and employing them to excite a jealousy of government, the detraction with which they often spoke of the person and prerogatives of the prince, though their principal aim was to revile and displace their antagonists, afforded a striking evidence of glaring inconsistency, and that they were not always exemplary in those courtly virtues for which they valued themselves <sup>10</sup>.

The place bill, the triennial bill, and the limitations in the act of settlement, introduced by a tory ministry, demonstrated, that their attachment to the prerogative was annexed to the hereditary line of descent; and when that was broken, their lofty ideas of majesty sunk into the same level with those of their antagonists, whom they accused of a deliberate and systematic design to circumscribe and reduce the influence of the crown. Were we to pursue this subject down from the period of this history, it would be found, that, though the sentiments of all parties were too

<sup>10</sup> Jura populi Anglicani. State Tracts, T. W. vol. iii.  
much

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much biassed by interest and regulated by accidental circumstances, yet there remains sufficient proof to ascertain this fact, that, while the whigs were sincere in their attachment to the act of settlement, the tories never lost sight of the succession of the house of Stuart, till that of Hanover was seated upon the throne.

After all, I do not mean to affirm, that the generality of the tories entertained any fixed purpose of recalling the pretender, or were disposed to prefer his interest to that of the constitution. They gave sufficient proof, that the latter had the principal place in their affections, by their conduct at the revolution, and would probably have done the same in a similar situation, upon a clear and decided opposition between the claims of the lineal heir and the safety of the constitution. But they were averse to those measures which rejected forever the hereditary line of kings; and yet, with this affection, the pique, the resentment, and the pride of party, sometimes interfered, and the tories themselves were more than once instrumental in enacting such laws, as most effectually secured the exclusion of the house of Stuart and the continuance of the protestant succession. If that veneration for prerogative, by which the tories were distinguished, abated, and a contrariety in their political sentiments was occasioned by the influence

There certainly was such a design in the latter period of the reign of queen Anne, and it was formed by the tories, but, at the same time, a few of them only were privy to it. The statutes, the voice of the people, the official language of the ministry, were so much against it, that the queen seems to have been afraid to communicate to her ministers, and her ministers to her, and to one another, what they all desired in their heart. Lord Oxford, though connected with that ministry, probably never entertained any serious view of restoring the pretender. Macpherson's State Papers. Cuninghams History, vol. ii. passim.

of their attachment to the exiled family, so, upon the other hand, those measures of their antagonists, which justified the tories in retorting the charge of fluctuation and inconsistency, may be traced to a similar predilection, or propensity of affection to the person of William; not perhaps on account of his private virtues, but of that well-earned fame, which he had acquired by being the protector of liberty, and of the protestant religion. Thus, the whigs not only became advocates for prerogative, in the instances above mentioned, but directed their public conduct, too much, in compliance with the prejudices and political views of the king. To this attachment was imputed a fixed determination of the whig administration to augment the army, while they diminished and neglected the naval force of the kingdom. Every department belonging to the latter was managed with carelessness and treachery, no less injurious to the honour, than to the safety of the nation<sup>12</sup>. As the genius and habits of William rendered him partial to the land service, the whig ministers departed from the moderate quota of troops agreed to at the commencement of the war; they gradually augmented the military establishment; and, at length, were not ashamed to contend for the propriety of maintaining a large standing army, at an enormous expence.

When we trace the glaring inconsistencies of both parties to motives of affection, it is fair to observe, that these did not operate, with the same uniformity, and to the same extent, upon whigs and tories. The measures, which were derogatory to prerogative, appear to have been supported by the tories, with concert and in a body; whereas

<sup>12</sup> Faults on both Sides; Somers's Collections, vol. xv. p. 300.

CHAP. the inconsistency of the whigs, in defending wh<sup>r</sup>  
 XXI. may be called prerogative measures, was applic-  
 ble, principally, to such of them as were in office  
 together with a few, who entertained an high e-  
 steem of William, founded upon early acquaint-  
 ance and gratitude for the services he had done the  
 nation. Though we do not admit the assertion of  
 a party-writer, that, in the question concerning a  
 standing army, "all the honest and wise men of  
 "their own party deserted them"<sup>1</sup>, yet, in ques-  
 tions palpably deviating from the political maxims,  
 which they themselves had professed, the whigs  
 separated, and their leaders were deserted by many,  
 who, in their ordinary conduct, adhered with fide-  
 lity to their party.

The faults, with which both parties reciprocally  
 upbraided each other, have, in some measure,  
 been anticipated by these remarks upon the incon-  
 sistency of their conduct. We ought to pay no  
 regard to virulent assertions, indiscriminately vented  
 during seasons of heat and violence; but to found  
 our opinions upon the evidence of facts, and fairly  
 to distinguish between those circumstances, which  
 arise from the station and fortune of parties, and  
 those, which indicate inherent and incorrigible  
 depravity of principle. Rapacity, resentment, an  
 overbearing, engrossing spirit, may, more or less,  
 be imputed to every party in the day of power.  
 Contention, misrepresentation of their antagonists,  
 acrimony and malignity, adhere, with few excep-  
 tions, to those who are out of place. If the tories  
 were charged with self-conceit, insolence, haugh-  
 tiness of demeanour, in the course of their trans-  
 acting business, these vices ought not to be ascribed  
 to any indelible stamp of political character, but

<sup>1</sup> Faults on both Sides; Somers's Collections, vol. xv. p.  
 302.

to the prejudices of domestic education, at a period when an high estimation was assigned to those distinctions of fortune and family, in which the tories claimed pre-eminence. If they were precipitate and ardent in prosecuting their favourite measures, it might arise from an apprehension of the instability of their influence, which stimulated them to improve, to the best advantage, intervals of power, derived from fortuitous events, more than from any cordial favour of the prince, or their established popularity. The same motives might transport them, beyond the bounds of generosity and true policy, in the violence of their plans to gratify resentment against their rivals, sharpened by a mortifying sense of the sinking influence of their party, and of their long exclusion from power<sup>14</sup>.

If, upon the most impartial scrutiny into the conduct of parties, it appears, that the whigs had the greatest merit in promoting and upholding the settlement of government introduced by the revolution, so it will also be acknowledged, that some of the whigs in administration were guilty of gross misdemeanours, which affixed a deep and lasting stain upon their party.

Though generous and public motives should be candidly allowed to have actuated the whigs, in the first steps of the revolution, individuals among them were afterwards so active in turning that event to their own private account, that it afforded but too just ground for suspecting, that self-interest had ever been in view as their ultimate end. They were insolent, rapacious, insatiable in their demands for preferment: they were continually upbraiding the king with their services, and set the

<sup>14</sup> Rapin on Parties.

**CHAP.** highest price upon them. Not satisfied with the  
**XXI.** fair profits of the lucrative places about court,  
 they put to sale many offices, which required the  
 most judicious selection of capacity and faithfulness. Where grants and sale of offices failed, exorbitant pensions were solicited for themselves and their retainers. To private avarice and rapacity the whig ministers, in this reign, added unprecedented extravagance and profusion in the management of the revenue<sup>15</sup>. Though no person, who has a competent knowledge of the business of finance and the resources of the nation, during the reign of William, can suppose it possible, that the supplies, necessary to provide for the public expence, could have been raised within the year, yet it is certain, that the means taken for that end were often ill devised; that money was borrowed at an exorbitant premium, and expended with such contempt of all rules of oeconomy, as occasioned an immediate depreciation of public credit, and has entailed grievous burdens upon posterity<sup>16</sup>. Thus, while the emoluments of the servants of government were extravagantly augmented, too much of the public money was lavished upon individuals, and princely fortunes were accumulated by many of the whigs, whose merits were estimated by zeal for their party, more than by services rendered to their country. Hence, it was a common observation among those, who professed to abstain from all connexion with party, and to criticise the conduct of political men with impartiality, that the tories sacrificed the liberties, and the whigs

<sup>15</sup> Secret History of one Year, Somers's Col. vol. xii. p.

401.

<sup>16</sup> Sinclair's History of the Revenue, p. 50, &c.

the purses, of the nation <sup>17</sup>. It was calculated, that king William received more money from his people, in the course of five years of the war, than any four of the kings of England had done, since the reign of Henry the fourth, and than all the kings of England had done from the conquest down to that period: that he had received more money in the course of one year, than had been given to Elizabeth, during her long reign of forty-five years: that the disbursements, upon the article of pensions alone, exceeded one million; a sum far beyond the example of royal munificence in any preceding reign <sup>18</sup>.

The criminality of mismanagement and the abuse of power, above described, might have rested upon individuals, if the whigs had not pursued such measures as seemed to imply the consciousness of wrong, and a dread of detection; which tended to involve the whole party in the participation of guilt. They struggled, long and obstinately, to parry every inquiry, calculated for the purpose of bringing to light extravagance and abuse in the expenditure of the revenue; and, when the appointment of commissioners to examine the public accounts was, at length, obtained, they contrived to modify and fetter their powers by clauses, tending to frustrate, in a great measure, the purpose of their appointment. They prostituted their abilities, in postponing and evading the means of convicting those persons, who were strongly sus-

<sup>17</sup> Secret History of one Year.

<sup>18</sup> Price of Abdication. Somers's Collection, vol. xi. p. 70. In the reign of William, the sum of 58,698,688*l.* 19*s.* 8*d.* was raised. According to this calculation, king William's annual income must have amounted to the sum of 4,415,360*l.* Chalmers's Estimate, p. 71.

CHAP. expected of the most notorious embezzlement of the  
XXI. public money<sup>19</sup>.

Observations.

From the facts and observations introduced in the above survey of parties, it will be obvious to the intelligent reader, that neither the principles nor conduct of whig or tory have been so essentially and invariably opposite, as to establish a fixed and unalterable line of separation: that the errors of the one were not so enormous and obstinate, as to prevent their contributing, with cordiality and success, both to the deliverance and amendment of the constitution; nor the wisdom of the other so infallible, and their purity so untainted, as to prefer, upon all occasions, the public good to private interest and party considerations. It would therefore have been equally unjust and impolitic in William, to have excluded the tories from trust and employment, or to have preferred the whigs to them, without reserve and caution.

It would be illiberal, on the one hand, to condemn any class or party, merely for an uncouth or unpopular name, or for heresies, contained in the political creed of their ancestors an hundred years ago, and which are not only renounced by their children, but repugnant to their education, their

<sup>19</sup> Letter to a new Member of the House of Commons. Somers's Collections, vol. xv. p. 186.

The commissioners appointed for taking, examining, &c. the public accounts, did not answer the expectations of the nation, for which these obvious reasons may be assigned:

Several great men, who had large accounts to pass, laboured to cramp the commissioners in their power, and to discountenance them in their report. There was a flaw in the commission itself: for the commissioners were not sufficiently empowered to require proof of suspected vouchers. They could not commit persons for contempt of authority, and, consequently, were exposed to the hazard of being abused by false vouchers. Ibid. See also Somers's Collections, vol. xii. p. 401. 451. 453.

temper,



temper, and the spirit of the times, irresistibly powerful in moulding the characters of individuals. On the other hand, it would be weak and dangerous to be inveigled by the boasted pretensions of factious men, who, being destitute of genuine principles, seek to borrow credit from titles, consecrated to the veneration and gratitude of posterity by the patriotic virtues of those to whom they were first applied. The capacity, the exertion, the probity, and the independence, of the man, to whatever political denomination he may belong, are the most essential qualifications of the minister, and the most solid basis of the public approbation and confidence.

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Such, however, are the salutary effects of our constitution, that it either exacts these qualifications in a certain degree, or provides essential checks and remedies when they are wanting. It is impossible for human wisdom to devise such a frame of policy as shall, at all times, ensure the exclusive property of government to men of wisdom and virtue; but there is no constitution, tried by a competent period of duration and experience, better calculated for detecting and exposing abuse of power, and controlling the errors of weak and wicked ministers, than that which we enjoy. Under the various administrations which have taken place since the revolution, and which have, with few exceptions, been accused, by those who opposed them, of weakness and corruption, the important business of the nation has still been carried forward; somewhat has been done for the public good; nay, personal ability and virtue have existed, if not in the person of the minister or ministers, yet somewhere, and in some degree, among those who have been employed by them. Before the revolution, our government, fluctuat-

ing

CHAP. ing in its principles, was beneficial or pernicious  
 XXI. in its effects, according to the sentiments and dis-  
 positions of the persons who presided at the helm.  
 No remedies, but such as were of the most desperate nature, could controul the mischiefs done by arbitrary princes and corrupt ministers. The political structure, as it is now constituted, is not more admirable for its intrinsic beauty and convenience, than for the strong securities by which it is guarded. So manifold are the checks upon licentious government; so easy the means of resistance; so obvious the community of interest among all the members of the state; so dependent the tenure of power upon the approbation of those over whom it is exercised, that it seems impossible our liberties can ever be destroyed, without the wilful and treacherous co-operation of the people. And this, once more, calls back our attention to that glorious event, to which we are indebted for the confirmation and security of our pre-eminent

Benefits of  
the revolution.

condition. I cannot close this work more properly, than by exhibiting a summary view of those substantial benefits, of a civil and religious nature, which, more immediately or remotely, have accrued to this nation by the revolution. To the contemplation of this subject, the patriot will ever recur with fresh delight and rapture.

It secured  
the liberty  
of Eng-  
land.

1. By the revolution the British constitution, the source of so many substantial blessings, was ascertained, and established by the strongest securities.

Eager disputes have been agitated, and different opinions adopted, concerning the ancient genius and form of our government. While some have marked the infant features of a free constitution in that of England, at a period of high antiquity, others

others have been at pains to exhibit its early **CHAP. XXI.**  
 similitude, in every circumstance, to the polity of  
 other European nations, now degraded by the  
 yoke of despotism. The attentive student in  
 history will find no difficulty to account for these  
 discordant opinions. He will perceive, that our  
 constitution was, for ages, in a floating state,  
 and precedents of such opposite tendency occur,  
 not only under the reign of different princes,  
 but sometimes in the course of the same reign,  
 that no well informed author can be at a loss for  
 facts and examples, in support of opposite theo-  
 ries <sup>20</sup>.

Without

<sup>20</sup> "This, then," says Dr. Hurd, speaking of the revolu-  
 tion, "will be considered by grateful posterity as the true era  
 of English liberty. It was interwoven, indeed, with the  
 very principles of the constitution. It was inclosed in the  
 ancient trunk of the feudal law, and was propagated from it.  
 But its operation was weak and partial in that state of its  
 infancy. It acquired fresh force and vigour with age, and  
 has now at length extended its influence to every part of the  
 political system." Hurd's Dialogues, vol. ii. p. 326.

This concise and elegant description of the progress and state  
 of the English constitution will be admitted as just and impartial,  
 in a general view, even by those persons, who entertain different  
 opinions concerning political points connected with the earlier  
 period of our history. It is impossible, however, that the fact,  
 whatever it may be, can affect our constitution as it now stands.  
 Suppose it should be admitted, for sake of argument, that,  
 previous to the revolution, the English government was more  
 arbitrary than free, or that it favoured prerogative more than  
 privilege, yet, as the right of governing is now made condi-  
 tional, as indeed it always was according to the principles of  
 reason and justice, it is evident, that no prince in future time  
 can be entitled to claim any benefit to prerogative from the ex-  
 ample of arbitrary proceedings previous to that period.

Suppose again, that the people had neither contract nor anti-  
 quity to plead, in support of their right to a free government;  
 would this right cease to exist? Would they be justifiable in  
 renouncing it? Could they be at a loss for arguments to vindicate  
 cate

CHAP. Without entering into the illustration of this  
 XXI. subject, I shall only observe in general, that those  
 immunities, which were anciently claimed by the  
 English

cate their right? Would they not still remain in possession of the most obvious, the most rational, and the most convincing arguments, in support of their claim to freedom?

Can any custom vie in antiquity, with those rights which are coeval with the existence of the human race, and claimed as the birth-right of man? Can any political system, however venerable from antiquity, abolish those privileges, which are founded on the eternal laws of truth, order, and justice?

They, who rest the claim of liberty upon antiquity and custom, not only prefer an ambiguous to a clear title, but do a manifest injury to the cause of humanity, by disparaging those claims, which belong to that unhappy part of mankind, who groan under the yoke of despotism. Suppose any nation or kingdom should admit, that their fathers, from the earliest formation of government among them, of which any traces can be discovered, have been subjected to the arbitrary will of one man, or any set of men; Would this fact degrade them in the scale of creation? Would it abolish the rights vested in them as men? Has not every district in the globe, and every species of mankind, the same right to free government and equal laws, which Great Britain had before the revolution? A right, not founded upon custom, which is fluctuating; not founded upon municipal law, which is often partial and capricious; not founded upon the stipulations of their fathers, whose views were contracted under the awe of tyranny; but a right inherent, original, indefeasible, in the most unequivocal and emphatical sense of the words.

There is another view of this question concerning the antiquity of our constitution, in which every fair reasoner will acquiesce. Suppose that the rights which we now enjoy, as subjects of the British empire, had been also possessed by our fathers at a remote period, and had been claimed by the people of England at the revolution, upon the footing of custom and law, as well as equity, yet if these rights were not fortified by sufficient securities, if the people had not authority and means to defend them when invaded, how precarious must their situation have been? These securities, and this authority, they acquired at the revolution, by the regular meetings, and afterwards by the periodical dissolution of parliament, and by the constant dependence of the crown upon it for supplies.

The

English barons and confirmed by various charters of their kings, were often interrupted and retracted; that a long period elapsed before they were diffused and imparted to the people at large; and that, after having attained extension, they were still infringed, and sometimes apparently extinguished, by the arbitrary government of our princes. To pass over many examples to this purpose, which occur under the domination of the house of Tudor, I shall confine myself entirely to those facts which have fallen within the compass of this history.

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Considering the unguarded fervour of loyalty which pervaded the nation at the accession of Charles the Second, and the obsequious temper of his second parliament, nothing seems to have been wanting, but industry, ambition, and evil counsellors, to have carried prerogative to a height superior to all resistance. At the end of the same reign, the long discontinuance of parliament, and the suspension of opposition, intimidated by the misfortunes and persecution of its leaders, exhibit a languishing state of public liberty.

Under the reign of his successor James, the state of liberty grew still more hopeless and dis-

The friends of the constitution would do well to consider, whether, by too great a veneration for antiquity, there is not some hazard of doing a real injury to the constitution itself, by preferring, upon the occurrence of new questions, precedents which obtained under arbitrary reigns, to the analogy of more recent measures, and the dictates of a more liberal spirit of policy, which began with the revolution, and has been improving ever since that period. "There is not," says Mr. Hume, "a more effectual method of betraying a cause, than "to lay the stress of the argument in a wrong place; and, "by disputing an untenable post, ensure the adversary of success and victory." *Essay on the Coalition of Parties.*

couraging.

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couraging. If James, after having received the revenue for life, had disguised, and postponed the execution of his arbitrary claims, or had been content with wresting from the nation their civil privileges, without touching their religion, would not the liberties of the people have been brought to the most extreme point of danger? Is it not more than probable, that the government of England might, at this day, have been as despotic as that of any kingdom in Europe? A sense of the danger of the protestant religion did that, which, it is probable, a sense of right, and a love of liberty, would not have done. It united the addresses and solicitations of all parties, to obtain the interposition of the prince of Orange. By that interposition, the liberties of England were rescued from impending danger. But our fathers, instructed by past experience, did not think it enough to repel immediate danger; they extended their plan to their own future safety, and to the interest and security of their posterity. The constitution had been varying and unsettled: many things were in dispute between the prince and the people. It was of the utmost importance to ascertain the nature of the constitution, to define, in the clearest and most explicit terms, the rights of the people; and to fortify and secure them against future attacks. A more propitious opportunity for accomplishing this great design never could occur, than at a time when the crown was to be transferred as a free gift, and when the person, who was to receive it, was a professed friend to liberty and the protestant religion. At this æra our constitution attained precision and stability. The land-marks were set up; the line, which divides prerogative from privilege, was drawn so broad and so deep, as to prevent

prevent confusion or mistake, and to debar encroachment upon either side. The most comprehensive privileges of the people were recognised and established. The most odious and arbitrary exertions of prerogative were specified and condemned.

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2. The revolution, whether contemplated in connexion with the principles upon which it was founded, or as a monument of the triumph of patriotic labour, has infused into our constitution a certain meliorating energy, which has improved, and, it is hoped, will yet further improve our political condition. In this enlarged and extensive view, we are indebted to that glorious event, not only for what was then done, but for what has been done, subsequent to that period. The example of resistance in the very moment of extreme emergency, and by the very persons who disclaimed its lawfulness in any case, has, more forcibly than ten thousand arguments, exposed the absurdity of doctrines subversive of the rights of humanity, and exploded that servile submission to prerogative, so flattering and grateful to the ambition of princes. That freedom with which the people are invited, by the genius of our constitution, to inquire, to judge, to converse, and to write, concerning measures of government and political subjects, disseminates liberal sentiments among all ranks of men, gives an immediate check to the abuse of power, and stifles, at its birth, every rising grievance.

The influence of liberal sentiments is particularly displayed, in softening the harder features of our constitution, and in restraining and mitigating the execution of rigorous and sanguinary laws, which remain unrepealed. In such instances, the mild spirit of the constitution has often

CHAP. often militated against the letter of law; and  
 XXI. while many penal statutes have fallen into disuse, it is a received maxim, to interpret those which subsist in the most lenient sense. Discretionary punishments are often substituted, in cases where the law has ordained the infliction of a capital punishment. In no instance, of late years, has the sentence for treason been executed, with all the barbarous circumstances prescribed by the statute.

The meliorating quality of our constitution might be farther illustrated from the enacting of many new laws, calculated to extend the liberty of the subject, and to maintain the purity of the constitution. Since the period of the revolution, the laws of treason have been freed from that partial distinction, which often proved fatal to the person accused; and the same indulgence has been granted him as in the trial of other capital crimes. By limiting the duration of parliament, the dependence of representatives upon their constituents, and, consequently, a respect to their sentiments and interests are more effectually secured. The dignity and independence of parliament has been promoted by various statutes, regulating the qualifications of its members. The influence of the court and ministry have been checked, and the purity of parliament farther secured, by a late statute, establishing the fairest mode of trial in the case of contested elections. The act for abolishing hereditary jurisdictions in Scotland; the act for rendering the judges of England independent, by granting their commissions during life; the act for abolishing the privilege of exemption from arrest for debt, enjoyed by servants of members of parliament; and various regulations with respect



to commerce and our intercourse with foreign nations; are all pleasing examples of the progress of liberty, and the improving excellence of our laws, promoted by the genius and spirit infused into our government by the revolution. The contemplation of these, as pledges of future improvements, while it expands the hope and elevates the joy, will still farther inflame the gratitude, and animate the efforts, of the patriot.

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### 3. To

To suggest these might perhaps, be censured as a digression from the subject of this work, and an arrogant intrusion into the province of those, who, by their experience as well as trust, are best qualified to discern them. Some of them, however, are so obvious, and required by such pressing calls of justice and humanity, that we are disposed to wonder, that, under such a mild and beneficent government, they should have been so long delayed; and that, under such prevalence of liberal sentiment, their propriety and importance should still be disputed.

The laws relating to debtors exhibit a glaring example of deviation from the principles of our constitution. Is it not shocking, that, in a country where such a price is put upon personal liberty, and where the total deprivation of it is reckoned too severe a punishment for any crime, persons, who have not been guilty of any immorality, who have, perhaps, been only unfortunate, should be doomed to perpetual captivity?

Is not the letter and complexion of our criminal laws too sanguinary? Are not capital punishments multiplied so much as to offend against sound policy, as well as the dictates of humanity? For what is the consequence? The severity of punishment, out of all proportion to the demerit of crimes, cannot be executed with constancy and exactness, and therefore loses its influence of over-awing and restraining the guilty. Might it not be expected, that a more moderate species of punishment, invariably executed, would, at once, spare the effusion of blood, and reduce the number of crimes?

The multiplicity and strictness of entails in one part of the kingdom, is not only materially injurious to industry and commerce, but must, in progress of time, be productive of inequality

CHAP. 3. To the revolution we are indebted for the  
 XXI. preservation and establishment of the protestant  
 religion.

lity and unalterable superiority, which will overwhelm the independence and liberties of the subordinate and more numerous classes of men.

How much were it to be wished, that the influence of that humane spirit, which is so honourable to our age, and so fruitful of good works at home, were extended to our intercourse and commerce with distant countries!

Does not the genius of our constitution concur with the dictates of humanity, to recommend to our legislature the abolition of the infamous traffic in slaves? If there are any who remain stubborn against the dictates of humanity, let them be persuaded to investigate this question upon the footing of public expediency and interest. Has not the value of individuals, in every sense, been improved, in proportion as they have become free and independent? Has not that labour ever been found the most productive which redounds to the profit of the labourer, and which has been performed with consent and cheerfulness? Has not the emancipation of villains and bondmen contributed, more than any other means of improvement, to the melioration of property, and the enriching of proprietors in England? Is it not a fact, that the princes and states, who got the start of others by the abolition of villinage at home, have arrived first at civilization, and have still retained pre-eminence in manufactures, agriculture, commerce, and every article of national prosperity? Why should the line be drawn, why should regulations the reverse of those which have promoted domestic prosperity, why should the violation of justice and humanity, be deemed essential to the cultivation and improvement of our distant colonies?

With the christian, the spirit of his religion supercedes the use of argument, and renders him impatient of contradiction in a point, which forms the most prominent feature and essential distinction of his profession. Benevolence, the most pure and comprehensive, is inculcated by the precepts and example of his master. Can he then submit to any system of policy, which has the effrontery to exclude a whole race of mankind from the reach and effect of his charity? The cause of justice and humanity will prevail; but still it must be a mortification to the patriot, if objections, founded in ignorance and selfishness, should suspend the gratification of his most ardent desire, and withhold, from his beloved country, the glory of taking the lead in reprobating that system of policy, which dooms any class of his fellow-creatures to wretchedness and oppression.

We have seen the danger to which the protestant religion was exposed, during the reign of Charles the second, from his secret attachment to Roman catholics; his indulgences intended principally for their relief; his treaty with France, stipulating the establishment of popery; and above all, from the conversion and bigotry of the duke of York. By these circumstances, the fears of the people were excited, vigorous measures of opposition concerted; and the designs of the court defeated.

In the reign of James, the danger was more formidable, because the popular alarm had entirely subsided. None objected to the prince's enjoying his own religion, while they confided in his solemn and repeated promises, that he would protect that of the nation. Fortunate it was, that the bigotry of James was too ungovernable to admit of any compromise, or to regard the obligations of truth; for had he been contented with the private and lawful engines of proselytism, how successful might he not have been, or what changes might he not, with patience and time, have effected? But the infatuated monarch could not conceal his intention of devoting every faculty of royal power to the service of Rome. He strained every nerve of prerogative, he violated his promises, he despised the restraints of law; and then it was that the protestant religion, as well as the liberty of England, was brought to the extremity of danger. But, if the question had been merely political, the same unanimous and spirited force of resistance could not have been collected. Nothing less than a zeal for the protestant religion was sufficient, to suspend the animosities of parties, and to unite them in schemes and efforts for preventing its subversion.

The

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**CHAP. XXI.** The distinguished abilities of the prince of Orange, his zeal for liberty and the protestant religion, his influence among the princes of Europe, his near alliance to the royal family, marked him, as destined by Providence to be the glorious instrument of their deliverance. Violent dissensions prevailed in the religious and political sentiments of individuals and parties, then incorporated by participation of danger. To have entered into any discussion of these, or to have concerted any future plan of settlement, might have proved fatal to their union. Farther questions were therefore suspended, while, in this one point, all agreed, that the interposition of the prince of Orange was necessary to the preservation of the protestant religion; that religion, which disclaims the usurpation of human authority; that religion, which holds the scriptures alone to be the rule of truth; that religion, which, if pursued in its true principles, will finally triumph over all the corruptions of human invention, and restore the purity of the gospel. The continuance of that religion, we owe, under the blessing of God, to the revolution.

Establish-  
ed tolera-  
tion.

4. To that event we are indebted for toleration and liberty of conscience.

Without toleration and liberty of conscience, the benefits of the protestant religion must be extremely circumscribed and precarious. Though our first reformers made illustrious exertions in the discovery of truth, they still retained much of that metaphysical dogmatism, and scholastic jargon, which had encumbered christianity during the long night of barbarism and spiritual tyranny. They harboured too much of the contracted, intolerant and persecuting spirit, which portrays the most hideous features of corruption in  
the

that church which they professed to abandon; and though it was by the usurped dominion over the conscience and private judgment of men that christianity was first defaced, and professedly in order to demolish this dominion that the standard of reformation was first erected, yet, what is an astonishing instance of the inconsistency of human character, almost all the protestant sects, which obtained the sanction of legal establishment, relapsed into the same error, and urged the execution of penal statutes against their protestant brethren, who refused to conform to their system of faith, or regulations of ecclesiastical government. Lutherans, calvinists, episcopallians, presbyterians, have, all of them, in the day of power, wielded, with unrelenting fury, the sword of persecution. But, to take the example of our nation after the restoration, the second parliament of Charles discovered an extraordinary zeal for promoting uniformity in religion. No less than five different statutes, as we have seen, were enacted for this purpose, every one of them, in progression, ordaining penalties more severe to be inflicted upon those, who worshipped God in any other way than according to the forms of the church of England. The same spirit was adopted by the ministers of Charles the second in Scotland. The execution of penal statutes on account of religion, in that kingdom, occasioned some of the most shocking scenes of barbarity that are to be met with in the history of any age. Humanity recoils at the remembrance of them.

At the period of the revolution, persecution received a mortal wound, but did not immediately expire. The merit of the protestant dissenters, operating with the church of England by resisting their common enemy, suggested to the

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latter the justice, and the policy, of maintaining future intercourse upon terms of forbearance and charity. A plan of comprehension was proposed, but thwarted by the bigotry of the tories, the indiscreet violence of the leaders of the church, and, in part, by the peevish scrupulousness of some of the dissenters. The penal statutes were, not without some exception, abolished, and an act of toleration passed. It is probable, however, that neither this plan of comprehension would have been proposed, nor the act of toleration obtained, at that period, if both had not been agreeable to the strong desire, and favourite policy, of the king. There is indeed no feature in the character of that great prince more marked and brilliant, than his zeal for liberty of conscience. Though illustrious for military and political talents, he was not unrivalled, perhaps he was excelled, by contemporary generals and statesmen; but, as a friend to religious liberty, he had not a rival. In this point, his merits appear singular and transcendent. The extension of religious liberty at the revolution, though it exhibits an agreeable contrast to the penal statutes, and persecutions in the preceding reigns, yet it was not proportionate to the liberal sentiments of William. The protestant dissenters were excluded from many privileges, and their clergy, by the letter of the law, subjected to severe tests and restrictions. It is also to be lamented, that the recent remembrance of the danger of popery was the occasion, not only of imposing prudent restraints, but of enacting unjustifiable penalties against the professors of that religion, and particularly against Roman catholic priests. The mention of this subject draws our attention once more to a striking example of the effects

effects of that meliorating tendency of our constitution to which I have already referred. The statute, ordaining the suppression of dissenting meetings whose ministers did not subscribe to the doctrinal articles of the church of England, and the statute, of one thousand seven hundred, ordaining the perpetual imprisonment of catholic priests and the disinheriting of Roman catholic heirs, were so repugnant to the spirit of the British constitution, that they have seldom been executed with rigour. They at last fell into disuse, and finally, by the unanimous consent of both houses of parliament, have been expunged from the English code; and, though the disgraceful opposition, that was given to the repeal of the statute regarding Roman catholics, obstructed that repeal in one part of the kingdom, and excited great commotions in another, yet there is not any doubt but, from the influence of our constitution, the spirit of toleration is every day expanding and increasing. There is not any system of religious truth, the most harsh and illiberal, that is not mollified and humanised by the spirit of the age. We need only to advance in the same spirit for a little time, and it is to be hoped, that no trace or vestige of intolerance will remain to disfigure the beautiful fabric of the British constitution.

Impressed by the views now illustrated, it is natural to cherish a grateful remembrance of our patriotic ancestors, and particularly of that illustrious personage, who, under God, was the instrument of working so great a deliverance, and of obtaining such important privileges for us and for our posterity. There is not a more painful sensation, than that which arises from the discovery of any imperfection or blot, in the character

Our obligations to  
king William.

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acter of a benefactor, tending to diminish the esteem, and restrain the gratitude, which we find ourselves disposed to pay to him. As there is not any character recorded in our history, more strongly entitled to our gratitude, when we reflect upon the inestimable blessings for which we stand indebted to his interposition, so few appear, after the most critical investigation, more deserving of esteem and praise, on account of the endowments and virtues with which it is adorned.

His character.

The dawn of his life was lowering and clouded, and little promised that lustre which brightened the meridian day. He was born in the seventh month, a few days after the death of his father, whose authority had been declining under the opposition of the Louvestein faction. The son, while in his cradle, was stripped of all his hereditary dignities and offices by a general assembly of the States. His constitution was weak, his fortune narrow and embarrassed, his education cramped and neglected. The native vigour of his genius, called forth by the distresses of his country, confuted these inauspicious presages of fortune, and rendered his future life an uninterrupted career of patriotism and glory.

The ambition of Lewis the fourteenth, intruding into the frontiers of Holland, first opened to the young prince a theatre for the display of those astonishing endowments, which proved him to be worthy of the honours, as well as the name, of his renowned ancestors. He was appointed admiral, captain general, and at last restored to the office of stadtholder.

The magnanimity, the exertion, and the perseverance, by which the prince of Orange defeated the intrigues and the armies of Lewis,  
not



not only protected the liberties and engaged the confidence of his country, but recommended him to the surrounding powers of Europe, trembling for their independency, as the fittest person to form and conduct a scheme of confederate resistance to the usurpations of France. While the grandeur of the design flattered his ambition, its connexion with the liberties of the States interested his patriotic zeal.

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In the sequel of his history, it is difficult to say which we ought most to admire, the variety and excellence of his talents, or the success with which they were crowned. By a comprehensive discernment of the political interests of Europe; by penetration into the characters of individuals; by address in negotiation, he cemented states and princes, whose interests and prejudices seemed most opposite and irreconcilable. By the firmness of his resolution; by fortitude under the most disastrous events; by fertility of expedients, he at last surmounted every difficulty; chastised the ambition of Lewis; exhausted the strength of France; and wrought the deliverance of Holland, England, Spain, and the Empire.

As the most illustrious fame is annexed to exploits in the cause of liberty, so, without a nearer insight into character, we are at a loss to decide, in particular instances, whether they result from the sordid motives of self-interest and ambition, or the more exalted ones of virtue and public spirit. That the love of liberty was predominant in the character of William; that his ambition was under the direction of principle, and subservient to the cause of justice and the rights of mankind, is attested by the uniform tenour of his actions. Private emolument was with him no consideration, when the interest of his country

was

CHAP. was at stake. The alluring bait of royalty he  
 XX! repelled with disdain, when proposed to him, upon  
 terms ruinous to the freedom of his country. His accession to the throne of England will appear no argument against this conclusion with those, who consider, not only, how important it was to her deliverance, but that it was an essential link in the chain of measures, which was to connect and establish the liberties of Europe. If William had not ascended the throne of England, the grand alliance could never have been completed, and rendered efficient to overpower the armies of France, aided by James, master of the liberties of his subjects.

That liberality of design, which dignified his negotiations and extended his influence upon the continent, was no less conspicuous in the scheme of his domestic policy and government. By an impartial dispensation of favours to all parties in Holland and England, he moderated their violence, and employed their united strength, in the defence of public liberty. No flattery, nor zeal for his personal aggrandisement, ever seduced him to give scope to the resentment or usurpation of any party. It was the desire of his heart to accomplish the most extensive plan of religious toleration; and, though he found himself thwarted by the prejudices of the people, yet he never relinquished his liberal purposes from the dread of obloquy or misrepresentation. His opinion, in questions of the greatest political moment, he maintained with a firmness, rather honourable to his character, than favourable to his interests.

That his respect for religion was not feigned and political, but sincere and constant, appeared, not only from his regular and decent attendance

upon

upon the duties of social worship, but from the time and attention he allotted to private devotion. It was remarked, that he never mentioned the truths of religion, but with seriousness and veneration; and that he expressed, upon all occasions, indignation against examples of profaneness and licentiousness. He maintained great equanimity under all vicissitudes of fortune; being neither immoderately elated with prosperity, nor dejected with adversity. Often fretted by the rudeness of faction, and the jealousy and discontents of his subjects, he still regulated his temper by the dictates of prudence, and resigned his private inclinations and interests for the sake of public peace. Though liable to sudden sallies of anger, yet he never harboured resentment in his breast; and he even treated some of those persons, from whom he had received the highest personal injuries, with mildness and generosity. To sum up his talents and his virtues: he possessed great natural sagacity, a retentive memory, a quick and accurate discernment of the characters of men. He was active, brave, persevering; and, to these qualities more than to his skill as a general, he was indebted for his military success. His knowledge in politics was extensive and profound; his application to business ardent and indefatigable. An enthusiastic lover of liberty, he was ever true to his principles; faithful in the discharge of every trust committed to him; and, in the characters of the statesman and general, acquired the confidence and praise of his friends, and excited the admiration and dread of his enemies.

His talents and virtues belonged to the respectable, rather than to the amiable class; and  
were

CHAP. were formed to command esteem, more than to  
 XXI. engage affection,

For literature and the fine arts he discovered no taste. He had acquired none of those graces, which animate conversation, and embellish character. A silence and reserve, bordering upon sullenness, adhered to him, in the more retired scenes of life, and seemed to indicate not only a distaste for society, but a distrust of mankind. He was greatly deficient in the common forms of attention. His favours lost much of their value, by the coldness of the manner with which he conferred them. He did not enough accommodate himself to the open temper of a people, who had so freely devoted their allegiance to him. His warm and steady attachment to a few friends demonstrated that he was not destitute of private friendship. He was occasionally surprised into indulgences of mirth and humour; which shewed, that he was not insensible to the relaxation of social amusement. But the infirmities of his constitution; the depression of his early situation; a fatal experience of deceitfulness and treachery, derived from his political intercourse with mankind, the seriousness and weight of those objects, which continually pressed down his mind, controlled a propensity, however strong, to confidence, affability, and pleasantry, and introduced habits of constraint and gravity, which draw a veil over the attractions of virtue; and frequently contribute, more than vicious affections, to render character unpopular.

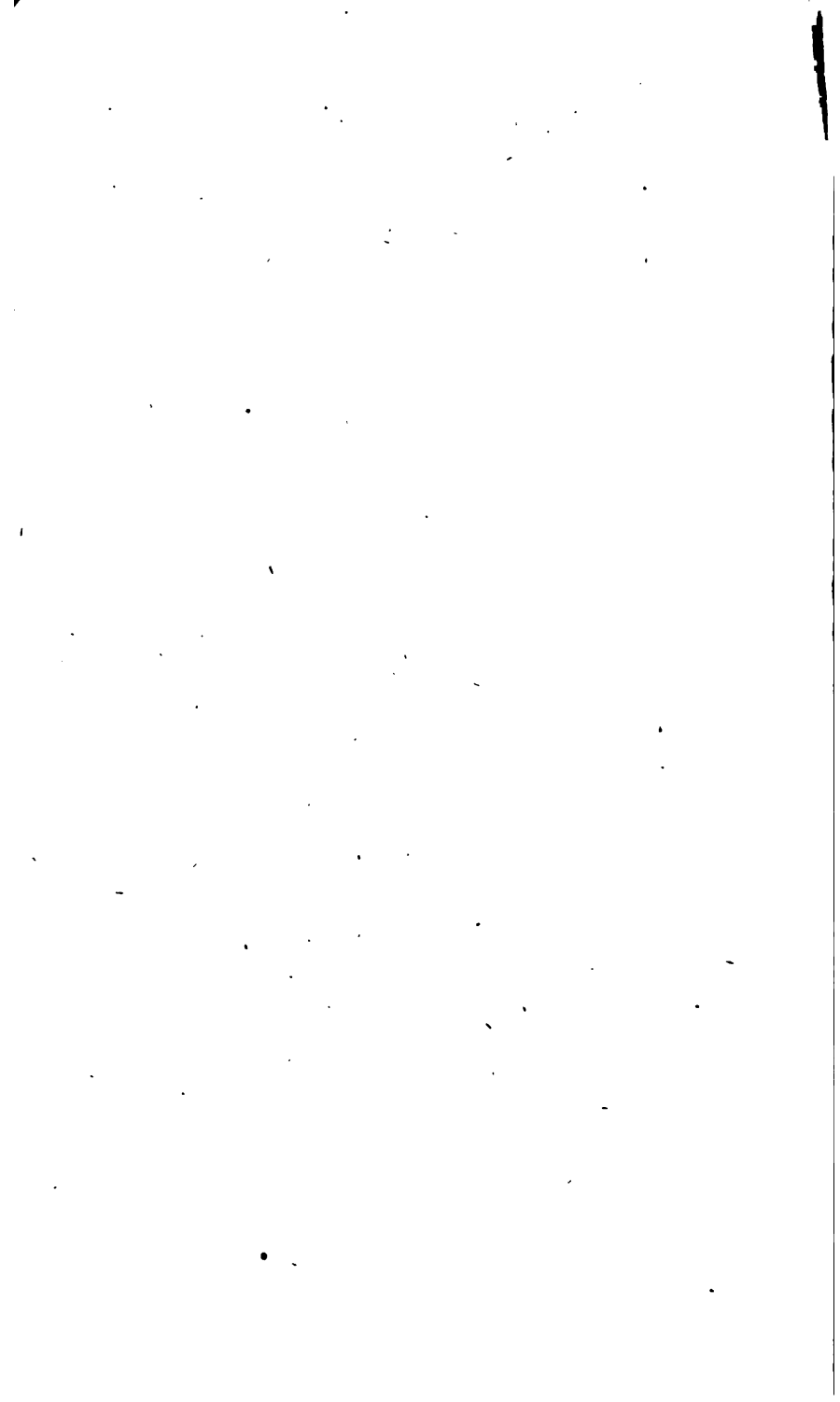
It would, perhaps, be difficult to select, from the various and wide range of biography, any two characters, which form a more perfect contrast, than that which opens, and that which closes, the period of this history.

In the character of Charles the Second, we are struck with a brilliancy of wit, and gracefulness of manners, destitute of any one ingredient of principle or virtue; with politeness, affability, gaiety, good humour, every thing that captivates imagination, or gives delight for the moment. CHAP.  
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In the character of William, we turn our eyes to sterling merit, naked and unadorned; to stern integrity, incorruptible patriotism, undaunted magnanimity, unshaken fidelity; but no splendid dress or gaudy trapping, to arrest the attention of the superficial observer. A deliberate effort of the understanding is necessary to perceive and estimate its deserts.

Charles, with all his vices, was beloved while lived, and lamented when he died.

William, with all his virtues, respected abroad, respected by posterity, never obtained, from his subjects and contemporaries at home, the tribute of affection and praise, adequate to the merit of his virtues, and the importance of his services.



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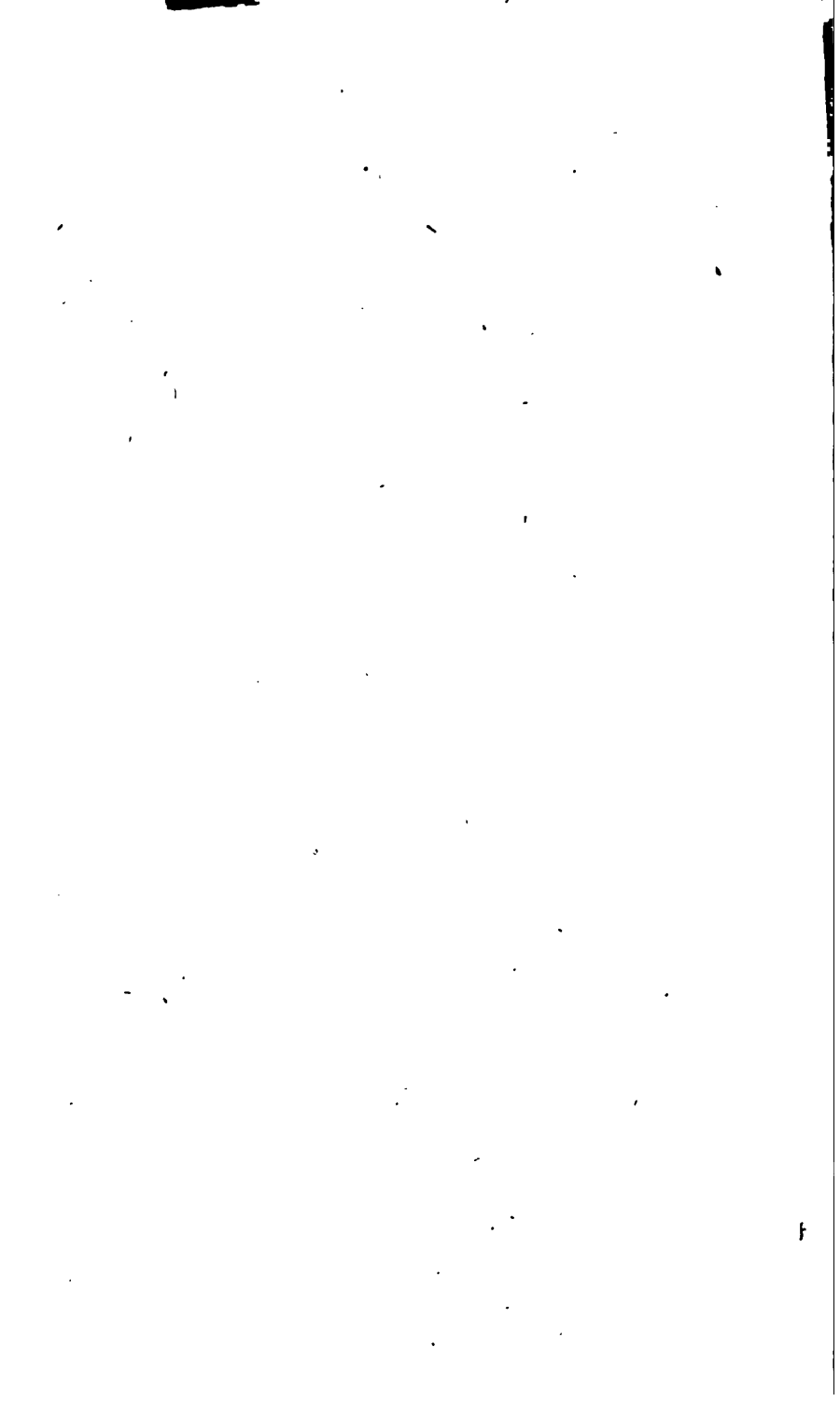
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## T H E E N D.

## E R R A T A.

Page 258, Lines 17 and 18 read, *By the variety and wildness of those projects of government*; and in Side Note, for *Election*, read *Election*.













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